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Regulations

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment)

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART—1946

Payments will be made for participation in the 1946 Agricultural Conservation Program (hereinafter referred to as the 1946 program) in accordance with the provisions of this bulletin and such modifications thereof as may hereafter be made.

Sec.

- 701.701 Distribution of funds.
- 701.702 Control of funds, pooling agreements, conservation practices and rates of payment.
- 701.703 Division of payments.
- 701.704 Increase in small payments.
- 701.705 Payments limited to \$10,000.
- 701.706 Conservation materials and services.
- 701.707 General provisions relating to payments.
- 701.708 Application for payment.
- 701.709 Appeals.
- 701.710 State and regional bulletins, instructions and forms.
- 701.711 Definitions.
- 701.712 Authority, availability of funds and applicability.

AUTHORITY: §§ 701.701 to 701.712 issued under authority contained in secs. 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U.S.C. 590 g to 590 Q).

§ 701.701 *Distribution of funds*—(a) *State funds.* Funds available for conservation practices will be distributed among States on the basis of (1) the acreage of woodland, cropland, orchard land, noncrop pastureland and rangeland; (2) the number of farms; (3) the number of farms with less than 40 acres of cropland; and (4) conservation needs.

(b) *Adjustments.* If the total estimated earnings under the program exceed the total funds available for payment, payments will be reduced equitably in States where the estimated earnings exceed the amount available for use in the State.

§ 701.702 *Control of funds, pooling agreements, conservation practices and*

rates of payments—(a) *Control of funds.* Control of funds distributed to any State will be maintained in one of the following ways:

(1) The State committee will establish a limit on expenditures for each county. The county committee will keep within the county limit by approving payment for only those practices for which the extent of the practice is approved by the county committee prior to the performance of the practice, except that practices performed before April 1, 1946, may be approved retroactively by the county committee.

(2) The State committee will establish a limit on expenditures for each county and will approve for each county a formula for setting farm allowances. The total amount of the farm allowances for any county shall not exceed the county limit on expenditures. Amount earned within the farm allowance will be paid in full and payment for the extent of practices performed in excess of the farm allowance will be made on a pro rata basis to the extent of the unobligated portion of the county limit on expenditures.

(3) The State committee will prescribe a formula for setting farm allowances. The total amount of the farm allowances for the State shall not exceed the funds distributed to the State. Amounts earned within the farm allowance will be paid in full and the payment for the extent of practices performed in excess of the farm allowance will be made on a pro rata basis to the extent of the unobligated portion of the funds distributed to the State.

County limits on expenditures and farm allowances shall be established and approval granted on a basis which will provide equitable assistance to all farms, taking into consideration the conservation needs of the county, and of individual farms, respectively.

(b) *Pooling agreements.* Producers in any local area may agree in writing, with approval of the county and State committees, to perform designated amounts of practices which the State committee determines are necessary to conserve or improve the agricultural resources of the community. For purposes of payments, practices carried out under

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NOTICE

1944 Supplement

Book 1 of the 1944 Supplement to the Code of Federal Regulations, containing Titles 1-10, including Presidential documents in full text, is now available from the Superintendent of Documents, Government Printing Office, at \$3.00 per copy.

A limited sales stock of the Cumulative Supplement and the 1943 Supplement is still available as previously announced.

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such an approved written agreement will be regarded as having been carried out on the farms of the producers who performed the practices.

(c) *Conservation practices*—(1) *Basis for approval.* In any State or area the conservation practices for which payment will be made shall be those practices which are recommended by the State committee and regional director and approved by the Field Service Branch, Production and Marketing Administration, as practices best adapted to achieve sound soil and water conservation and use, and which will not be carried out in desired volume unless payment is made therefor. Practices to be approved will include only those which maintain or increase soil fertility; control and prevent soil erosion caused by wind or water; encourage conservation and better agricultural use of water; or conserve and increase range and pasture forage. In order to encourage the performance of practices which are needed most on all farms or on groups of farms in a county, the county committee, with

the approval of the State committee, may designate from the practices approved for the State or area, those practices which will be applicable on all farms or designated groups of farms in the county.

(2) *Practices carried out with State or Federal aid.* The extent of any practice shall not be reduced because it is carried out with materials or services furnished by the Field Service Branch, Production and Marketing Administration, equipment furnished by the Soil Conservation Service, materials or services furnished by an agency of a State to another agency of the same State, or trees purchased from a Clark-McNary Cooperative State Nursery. In other cases of State or Federal aid, the total extent of any practice performed shall be reduced for purposes of payment by not less than the percentage of the total cost of the practice which the county committee determines was furnished by a State or Federal agency.

(d) *Rates of payment.* In any area the rate of payment for carrying out any practice shall be the rate recommended by the State committee and the regional director and approved by the Field Service Branch, Production and Marketing Administration. The rates of payment for the application of lime, phosphate, potash, gypsum, and mulching materials shall not exceed 80 percent of the estimated average cost of the materials on a farmyard delivery basis. The rates of payment for construction and engineering practices shall not exceed 80 percent of the estimated average cost of construction. The rates of payment for other practices shall not exceed 80 percent of the estimated average cost of performing the practices except where a higher rate of payment is justified on the basis of need for the practice in the area, or lack of familiarity on the part of farmers with the practice.

§ 701.703 *Division of payments—(a) Conservation practice payments.* The payment earned in carrying out practices with conservation materials or services shall be credited to the producer to whom the materials or services are furnished. Payment for practices performed with conservation materials and services shall have priority over payment for other practices. The payment earned in carrying out other practices shall be paid to the producer who carried out the practices. If more than one producer contributed to the carrying out of such practices, the payment shall be divided in the proportion that the county committee determines the producers contributed to the carrying out of the practices. In making this determination, the county committee shall take into consideration the value of the labor, equipment, or material contributed by each producer toward the carrying out of each practice on a particular acreage, assuming that each contributed equally unless it is established to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion.

(b) *Death, incompetency, or disappearance of producer.* In case of the death, incompetency, or disappearance of any producer, his share of the pay-

ment shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP-122, as amended.

§ 701.704 *Increase in small payments.* The payment computed for any person with respect to any farm shall be increased as follows:

(a) Any payment amounting to 71 cents or less shall be increased to \$1.

(b) Any payment amounting to more than 71 cents but less than \$1 shall be increased by 40 percent.

(c) Any payment amounting to \$1 or more shall be increased in accordance with the following schedule:

| Amount of payment computed: | Increase in payment |
|-----------------------------|---------------------|
| \$1.00 to \$1.99 | \$0.40 |
| \$2.00 to \$2.99 | .80 |
| \$3.00 to \$3.99 | 1.20 |
| \$4.00 to \$4.99 | 1.60 |
| \$5.00 to \$5.99 | 2.00 |
| \$6.00 to \$6.99 | 2.40 |
| \$7.00 to \$7.99 | 2.80 |
| \$8.00 to \$8.99 | 3.20 |
| \$9.00 to \$9.99 | 3.60 |
| \$10.00 to \$10.99 | 4.00 |
| \$11.00 to \$11.99 | 4.40 |
| \$12.00 to \$12.99 | 4.80 |
| \$13.00 to \$13.99 | 5.20 |
| \$14.00 to \$14.99 | 5.60 |
| \$15.00 to \$15.99 | 6.00 |
| \$16.00 to \$16.99 | 6.40 |
| \$17.00 to \$17.99 | 6.80 |
| \$18.00 to \$18.99 | 7.20 |
| \$19.00 to \$19.99 | 7.60 |
| \$20.00 to \$20.99 | 8.00 |
| \$21.00 to \$21.99 | 8.20 |
| \$22.00 to \$22.99 | 8.40 |
| \$23.00 to \$23.99 | 8.60 |
| \$24.00 to \$24.99 | 8.80 |
| \$25.00 to \$25.99 | 9.00 |
| \$26.00 to \$26.99 | 9.20 |
| \$27.00 to \$27.99 | 9.40 |
| \$28.00 to \$28.99 | 9.60 |
| \$29.00 to \$29.99 | 9.80 |
| \$30.00 to \$30.99 | 10.00 |
| \$31.00 to \$31.99 | 10.20 |
| \$32.00 to \$32.99 | 10.40 |
| \$33.00 to \$33.99 | 10.60 |
| \$34.00 to \$34.99 | 10.80 |
| \$35.00 to \$35.99 | 11.00 |
| \$36.00 to \$36.99 | 11.20 |
| \$37.00 to \$37.99 | 11.40 |
| \$38.00 to \$38.99 | 11.60 |
| \$39.00 to \$39.99 | 11.80 |
| \$40.00 to \$40.99 | 12.00 |
| \$41.00 to \$41.99 | 12.10 |
| \$42.00 to \$42.99 | 12.20 |
| \$43.00 to \$43.99 | 12.30 |
| \$44.00 to \$44.99 | 12.40 |
| \$45.00 to \$45.99 | 12.50 |
| \$46.00 to \$46.99 | 12.60 |
| \$47.00 to \$47.99 | 12.70 |
| \$48.00 to \$48.99 | 12.80 |
| \$49.00 to \$49.99 | 12.90 |
| \$50.00 to \$50.99 | 13.00 |
| \$51.00 to \$51.99 | 13.10 |
| \$52.00 to \$52.99 | 13.20 |
| \$53.00 to \$53.99 | 13.30 |
| \$54.00 to \$54.99 | 13.40 |
| \$55.00 to \$55.99 | 13.50 |
| \$56.00 to \$56.99 | 13.60 |
| \$57.00 to \$57.99 | 13.70 |
| \$58.00 to \$58.99 | 13.80 |
| \$59.00 to \$59.99 | 13.90 |
| \$60.00 to \$185.99 | 14.00 |
| \$186.00 to \$199.99 | (¹) |
| \$200.00 and over | (²) |

¹ Increase to \$200.

² No increase.

§ 701.705 *Payments limited to \$10,000—(a) Individuals, partnerships, and estates.* The total of all payments made in connection with the 1946 program to any individual, partnership, or estate

with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000.

(b) *Others.* The total of all payments made in connection with the 1946 program to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

(c) *Evasion.* All or any part of any payment which has been or otherwise would be made to any person under the 1946 program may be withheld or required to be refunded if he has adopted or participated in adopting any scheme or device designated to evade, or which has the effect of evading, the provisions of this section.

§ 701.706 *Conservation materials and services—(a) Availability.* Liming materials, phosphate, seeds and other farming materials or services may be furnished by the Field Service Branch, Production and Marketing Administration to producers for carrying out approved practices.

Title to any material distributed by the Field Service Branch, Production and Marketing Administration, either directly or through purchase orders, shall vest in the Field Service Branch, Production and Marketing Administration until the material is applied or planted or all charges for the material are satisfied.

(b) *Amount.* The amount of materials or services furnished for any farm shall not exceed the farm allowance in States where such allowances are used and shall not exceed the quantity required to carry out practices for which approval is granted in other States.

(c) *Cost to producer.* The producer shall pay that part of the cost of the material or service as established by the Field Service Branch, Production and Marketing Administration, which is in excess of the credit for the use of the material or service in carrying out approved practices.

(d) *Deductions.* A deduction shall be made for materials or services furnished by the Field Service Branch, Production and Marketing Administration, from the payment of the producer to whom the material or service is furnished. The deduction shall be the same as the credit rate for use of the material or service in carrying out an approved practice except that where the cost to the Field Service Branch, Production and Marketing Administration, is less than the credit rate, the deduction shall be equal to the cost. If the producer misuses any material or service furnished, an additional deduction, equal to the original amount of the deduction for the material or service misused shall be made. If the deduction for materials or services exceeds the payment for the producer to whom the material or service is furnished, the amount of the difference shall be paid by the producer to the Treasurer of the United States.

Any producer to whom materials are furnished shall be responsible to the Field Service Branch, Production and Marketing Administration, for any dam-

age to the materials unless he shows that the damage was caused by circumstances beyond his control. If materials are abandoned or not used during the program year, they may at the option of the Field Service Branch, Production and Marketing Administration, be transferred to another producer or otherwise disposed of by the Field Service Branch, Production and Marketing Administration, at the expense of the producer who abandoned or failed to use the materials.

(e) *Materials and services in lieu of payment.* If all the practices carried out on the farm which are eligible for payment are performed with conservation materials and services for which the deduction charged by the Field Service Branch, Production and Marketing Administration, equals the credit value of the practices, such materials and services shall be in lieu of the entire payment for the farm.

§ 701.707 *General provisions relating to payments.*—(a) *Breaking out permanent vegetative cover.* In any area designated by the Field Service Branch, Production and Marketing Administration, as an area subject to serious wind erosion, a deduction of \$3.00 shall be made for each acre of native sod or any other permanent vegetative cover broken out during the 1946 program year without the approval of the county committee if the county committee finds, in accordance with standards approved by the State committee, that the land broken out is not suited to the continuing production of cultivated crops and will become a wind erosion hazard to the community. The deduction shall be made from the payment of the person responsible for breaking out the land after the payment has been increased in accordance with the provisions of § 701.704.

(b) *Failure to maintain practices under previous programs.* If the county committee determines that any conservation practice carried out under previous agricultural conservation programs is not maintained in accordance with good farming practices or the effectiveness of any such practice is destroyed during the 1946 program year, a deduction shall be made for the extent of the practice destroyed or not maintained. The deduction rate shall be the 1946 practice rate, or if the practice is not offered in 1946, the practice rate in effect during the year the practice was performed. The deduction shall be made from the payment of the person responsible for destroying or not maintaining the practice after the payment has been increased in accordance with the provisions of § 701.704.

(c) *Practices defeating purposes of programs.* If the State committee finds that any producer has adopted or participated in any practice which tends to defeat the purposes of the 1946 or previous programs, it may withhold or require to be refunded all or any part of any payment which has been or would be computed for such person.

(d) *Depriving others of payment.* If the State committee finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of any payment under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the amount of any payment which has been or would otherwise be made to him in connection with the 1946 program.

(e) *Failure to carry out approved erosion control measures.* Payment will not be made to any person with respect to any farm which he owns or operates in a county if the county committee finds that he has been negligent and careless in his farming operations by failing to carry out approved erosion-control measures on land under his control to the extent that any part of such land has become an erosion hazard during the 1946 program year to other land in the community.

(f) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law; without deduction of claims for advances (except as provided in paragraph (g) of this section, and except for indebtedness to the United States subject to set-off under orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(g) *Assignments.* Any person who may be entitled to any payment in connection with the 1946 program may assign his payment in whole or in part as security for cash loaned or advances made for the purpose of financing the making of a crop in 1946. No assignment will be recognized unless it is made in writing on Form ACP-69 and in accordance with the instructions in ACP-70.

§ 701.708 *Application for payment.*—(a) *Persons eligible to file applications.* Except where conservation materials or services are furnished in lieu of the entire payment for the farm, an application for payment with respect to a farm may be made by any producer who is entitled to share in the payment determined for the farm.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted on the prescribed form to the county office. Where conservation materials or services are furnished by the Field Service Branch, Production and Marketing Administration, there need be reported on the application for payment with respect to such materials and services only the total credit and deduction value of the materials and services furnished. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the county office within the time fixed by the regional director, which time shall not be later than December 31, 1947. At least 2 weeks' notice to the public shall be given of the expiration of a time limit

for filing prescribed forms or required information, and any time limit shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the office of each county committee and making copies available to the press.

§ 701.709 *Appeals.* Any producer may, within 15 days after notice thereof is forwarded to or made available to him, request the county committee in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify him of its decision in writing within 15 days after receipt of written request for reconsideration. If the producer is dissatisfied with the decision of the county committee he may, within 15 days after the decision is forwarded to or made available to him, appeal in writing to the State committee. The State committee shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the State committee, he may, within 15 days after its decision is forwarded to or made available to him, request the regional director to review the decision of the State committee.

Written notice of any decision rendered under this section by the county or State committee shall also be issued to each other producer on the farm who may be adversely affected by the decision.

§ 701.710 *State and Regional Bulletins, Instructions and Forms.* The Field Service Branch, Production and Marketing Administration, is authorized to make determinations and to prepare and issue State and regional bulletins, instructions and forms required in administering the 1946 program.

§ 701.711 *Definitions.* For the purposes of the 1946 program:

(a) *Officials.* (1) "Secretary" means the Secretary of Agriculture.

(2) "Director" means the Director of the Field Service Branch, Production and Marketing Administration.

(3) "Regional director" means the director of the division of the Field Service Branch, Production and Marketing Administration, in charge of the agricultural conservation programs in the region to which that division relates.

(4) "State committee" means the group of persons designated within any State to assist in the administration of the agricultural conservation programs in that State.

(5) "County committee" means the group of persons elected within any county to assist in the administration of the agricultural conservation programs in that county.

(b) *Regions.* (1) "Northeast region" means the area included in the States of Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont.

(2) "East Central region" means the area included in the States of Delaware,

Kentucky, Maryland, North Carolina, Tennessee, Virginia, and West Virginia.

(3) "Southern region" means the area included in the States of Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Oklahoma, South Carolina, and Texas.

(4) "North Central region" means the area included in the States of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Wisconsin.

(5) "Western Region" means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington, and Wyoming.

(c) *Farms.* "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee, in accordance with instructions issued by the Field Service Branch, Production and Marketing Administration, determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

(d) *Miscellaneous.* (1) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) "Producer" means any person who as landlord, tenant or sharecropper, participates in the operation of a farm.

§ 701.713 *Authority, availability of funds and applicability.*—(a) *Authority.* The program is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148, 16 U.S.C. 590g to 590q).

(b) *Availability of funds.* The provisions of the 1946 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the making of the payments herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments will necessarily be within the limits finally determined by such appropriation.

The funds provided for the 1946 program will not be available for the payment of applications filed in the county office after December 31, 1947.

(c) *Applicability.* The provisions of the 1946 program contained herein, except § 701.705 are not applicable to (1) Hawaii, Puerto Rico, and Alaska; (2) any department or bureau of the United States Government or any corporation wholly owned by the United States; and (3) grazing lands owned by the United States which were acquired or reserved for conservation purposes or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered under the Taylor Grazing Act or by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture or by the Bureau of Biological Survey of the United States Department of the Interior.

The program is applicable to (1) privately-owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as Federal Land Banks and Production Credit Associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it, which were not acquired or reserved for conservation purposes including lands administered by the Farm Security Administration, the Reconstruction Finance Corporation, the Home Owners' Loan Corporation, or the Federal Farm Mortgage Corporation, or by any other Government agency designated by the Field Service Branch, Production and Marketing Administration; (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it; and (6) Indian lands except that where grazing operations are carried out on Indian lands administered by the Department of the Interior, such lands are within the scope of the program only if covered by a written agreement approved by the Department of the Interior giving the operator an interest in the grazing and forage growing on the land and a right to occupy the land in order to carry out the grazing operations.

Done at Washington, D. C., this 12th day of October 1945.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-18956; Filed, Oct. 12, 1945;
11:11 a. m.]

[Fair Price Regs., Revision 3]

PART 734—CONSERVATION MATERIALS AND SERVICES PROGRAM

FIXING OF FAIR PRICES

The regulations governing the fixing of fair prices for conservation materials and services acquired under purchase orders (9 F.R. 14709), § 734.1 issued by the Assistant War Food Administrator on December 15, 1944, are hereby completely revised to read as follows:

§ 734.1 *Regulations governing the fixing of fair prices for conservation materials and services acquired under pur-*

chase orders.—(a) *Delegation to the Director of the Field Service Branch.* The Director of the Field Service Branch, Production and Marketing Administration, shall designate the conservation materials and services which may be furnished under purchase orders in connection with the agricultural conservation program, the persons who shall determine the fair prices, and the method of making such determination: *Provided, however,* That any such determination shall be made in accordance with the provisions of paragraphs (b), (c), (d) (e), and (f), hereof.

(b) *Materials other than liming materials.* A fair price shall be the price at which vendors in an area should be able to supply a material for local delivery under purchase orders, taking the following into consideration to the extent they can be ascertained:

(1) The prices which farmers are currently paying for the material through local supply channels,

(2) The prices at which farmers could obtain the same material through other than local channels, and

(3) The actual or estimated cost to the vendor and a reasonable margin for handling and profit.

(c) *Liming materials.* A fair price shall be the price at which a vendor agrees to furnish the material at a given time under a given set of conditions, providing it is not excessive in relation to:

(1) The prices which farmers are currently paying for the same or similar material under the same or similar conditions, and

(2) The prices at which farmers could obtain the same material through other than local channels, and

(3) The actual or estimated cost to the vendor and a reasonable margin for profit.

(d) *Services.* A fair price shall be the price at which a vendor equipped to perform a service agrees to furnish it at a given time and under a given set of conditions, providing it is not excessive in relation to:

(1) The prices which farmers are currently paying for the same or a similar service under the same or similar conditions, and

(2) The actual or estimated cost to the vendor and a reasonable margin for profit.

(e) *Ceiling prices.* Notwithstanding the provisions of paragraphs (b), (c), and (d) hereof, no fair price may be set which is higher than the highest ceiling price at which any vendor in the area covered is authorized to sell a material or service under the General Maximum Price Regulation or other applicable regulations issued by the Office of Price Administration.

(f) *Defective material.* A material shall be deemed not to have been furnished at a fair price if it is determined that the material does not meet quality specifications. At the option of the Field Service Branch such material shall be rejected, or accepted subject to a deduction equal to three times the difference between the value of the material of the quality specified and the value of the material of the quality furnished.

(55 Stat. 257; 16 U.S.C. 590h (b))

Issued this 12th day of October 1945.

[SEAL] CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-18955; Filed, Oct. 12, 1945;
11:10 a. m.]

Chapter XI—Production and Marketing Administration (War Food Distribution Orders)

[WFO 101, as amended, Termination]

PART 1405—FRUITS AND VEGETABLES CUCUMBER PICKLES AND PICKLE PRODUCTS

War Food Order No. 101, as amended (9 F.R. 6053, 9584, 10035, 10 F.R. 103, 1644, 9768, 10419), is hereby terminated as of 12:01 a. m., e. s. t., October 13, 1945.

With respect to violations, rights accrued, liabilities incurred, or appeals taken under said War Food Order No. 101, as amended, prior to the effective time hereof, all provisions of said order in effect prior to the effective time hereof shall be deemed to continue in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with regard to any such violation, right, liability, or appeal.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; E.O. 9392, 8 F.R. 14783; E.O. 9577, 10 F.R. 8087)

Issued this 12th day of October 1945.

CLINTON P. ANDERSON,
Secretary of Agriculture.

[F. R. Doc. 45-18957; Filed, Oct. 12, 1945;
11:10 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Federal Security Agency

PART 155—SEA FOOD INSPECTION INSPECTION OF CANNED SHRIMP

Under the authority of section 702A¹ of the Federal Food, Drug, and Cosmetic Act each of the sections hereinafter specified of the regulations for the inspection of canned shrimp published in the FEDERAL REGISTER of July 2, 1942, and as amended in the FEDERAL REGISTER of June 10, 1943 (8 F.R. 7751), June 15, 1944 (9 F.R. 6583-4), and June 30, 1945 (10 F.R. 7971), is hereby amended as indicated below:

In § 155.00 (a), "\$225" is changed to "\$315."

¹Section 10A of the Federal Food and Drugs Act (49 Stat. 871; 21 U.S.C. 14a) which remains in force and effect and is applicable to the provisions of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040 et seq.; 21 U.S.C. 301 et seq.). It is provided in Public Law 135, 78th Congress, Title II, that section 10A of the Federal Food and Drugs Act, as amended by the act of August 27, 1935 (21 U.S.C. 372a), may hereafter be cited as section 702A of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301-392).

In § 155.02 (a), "\$150" is changed to "\$210."

In § 155.12 (b), "\$150" in each instance where it appears is changed to "\$210"; "\$225" in each instance where it appears is changed to "\$315"; "\$5.00" is changed to "\$7.00."

These amendments shall become effective October 15, 1945 and shall apply to service to be rendered after that date.

(52 Stat. 1040, 21 U.S.C. 301, et seq.)

Dated: October 11, 1945.

[SEAL] WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 45-18943; Filed, Oct. 12, 1945;
10:55 a. m.]

PART 155—SEA FOOD INSPECTION

CANNED OYSTERS

Under authority of section 702A¹ of the Federal Food, Drug, and Cosmetic Act each of the sections hereinafter specified of the regulations for the inspection of canned oysters published in the FEDERAL REGISTER of January 4, 1944 (9 F.R. 56), and as amended in the FEDERAL REGISTER of February 2, 1944 (9 F.R. 1203), June 15, 1944 (9 F.R. 6534), October 21, 1944 (9 F.R. 12675), and June 30, 1945 (10 F.R. 7971), is hereby amended as indicated below:

In § 155.30 (a), "\$200" is changed to "\$280."

In § 155.32 (a), "\$150" is changed to "\$210."

In § 155.42 (b), "\$150" in each instance where it appears is changed to "\$210"; "\$200" in each instance where it appears is changed to "\$280"; "\$5.00" is changed to "\$7.00."

These amendments shall become effective upon their publication in the FEDERAL REGISTER and shall apply to service to be rendered after that date.

(52 Stat. 1040, 21 U. S. C. 301, et seq.)

Dated: October 11, 1945.

[SEAL] WATSON B. MILLER,
Acting Administrator.

[F. R. Doc. 45-18942; Filed, Oct. 12, 1945;
10:55 a. m.]

TITLE 24—HOUSING CREDIT

Chapter IV—Home Owners' Loan Corporation

[Bulletin 381]

PART 401—GENERAL

AUTHORITY TO REGIONAL MANAGERS

Amending Part 401, Chapter IV, Title 24 of the Code of Federal Regulations. Section 401.13-2 is added as follows:

§ 401.13-2 *Authority to regional managers.* In any Regional Office which does not have a Regional Comptroller or a Manager of Loans and Properties, the Regional Manager is authorized to exercise all of the authority and to perform all of the duties and functions which

either or both of such officers have under the regulations of the Corporation.

Effective: October 10, 1945.

(Secs. 4 (a) and 4 (k), 48 Stat. 129, 132, 643, 647; 12 U.S.C. and Sup. 1463; E.O. 9070, 3 CFR Cum. Supp.)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 45-18895; Filed, Oct. 11, 1945;
1:52 p. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; E.O. 9599, 10 F.R. 10155; W.P.B. Reg. 1 as amended Dec. 31, 1943, 9 F.R. 64.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 16, as Amended Oct. 12, 1945]

APPEALS PROCEDURE

§ 944.37 *Priorities Regulation 16—(a) What this regulation does.* This regulation explains the procedure for appealing from orders, regulations and administrative actions of the War Production Board, except suspension orders issued on the recommendation of Compliance Commissioners. It also explains how the appeals will be handled by WPB.

(b) *Definitions.* For purposes of the regulation: "An appeal" means a request for individual relief on the grounds that compliance by the appellant or another would work an exceptional and unreasonable hardship which is not suffered generally by others in the same industry or activity, or on the grounds of improper discrimination. It does not include an initial application or initial request for an authorization, a preference rating, an allocation or any other administrative action expressly contemplated by the orders and regulations of WPB. In the absence of exceptional and unreasonable hardship not suffered generally by others or in the absence of improper discrimination an appellant may expect his appeal to be denied. There are two kinds of appeals, and they are defined below:

(1) "Appeal from an order or regulation" means an initial appeal for individual relief from any provision of a published order or regulation (including any published direction, schedule or other supplement to an order or regulation) which applies generally to all persons or to a class of persons described in the order or regulation.

(2) "Appeal from administrative action" means an appeal for reconsideration or modification of WPB action taken with respect to a particular person. Such administrative actions include the issuance of or refusal to issue individual authorizations, directives, preference ratings or quotas. The action of the WPB in granting or denying an initial "appeal from an order or regulation"

or in granting or denying an application for an authorization under an order, is an administrative action; so a request for reconsideration of such action on the grounds of hardship or improper discrimination is an "appeal from administrative action". Such an appeal is initially called a first "appeal from administrative action", and a further appeal from the WPB action taken upon it is called a second "appeal from administrative action".

(c) *How appeals are prepared and filed.* An appeal not prepared and filed as required below may be returned to the appellant without action.

(1) *Number of copies.* Unless otherwise specified, all appeals must be filed in triplicate.

(2) *Form of appeal.* An "appeal from an order or regulation" should refer to the provision appealed from, and must be filed on Form WPB-1477 unless the order or regulation specifies filing upon some other particular form or by letter. An "appeal from administrative action" must (unless otherwise stated in specific instructions) be filed by letter referring to the action appealed from and identifying the initial request by WPB form number and case number, if any.

(3) *Statement of grounds for appeal.* The fact that a person is appealing must be stated, and the grounds for claiming exceptional and unreasonable hardship or improper discrimination should be clearly set out.

(4) *Statement of manpower requirements not necessary.* Regardless of conflicting provisions in any order, regulation or WPB form, no statement of manpower information on Form WPB-3820 or by letter need be filed with any appeal.

(5) *Request for consideration by the Appeals Board.* If the appellant, in the case of a second or further "appeal from administrative action", wants consideration of his appeal by the Appeals Board, he should expressly request in writing its referral to the Appeals Board as further explained in paragraph (e) below.

(d) *Where appeals are filed.* (1) "Appeals from orders or regulations" must be filed where indicated in the orders or regulations. If there is no indication, such appeals should be addressed to Appeals Routing Unit, War Production Board, Washington 25, D. C. An exception to this rule is that a person who, in connection with the subject matter of his appeal, is also making an application on any form which he is instructed to file in a field office may, at his election, attach his appeal to the application and file both with the appropriate field office.

(2) An "appeal from administrative action" should be filed at the same place the initial application or "appeal from an order or regulation" was filed, or if the administrative action was based upon neither an application nor an "appeal from an order or regulation" it should be addressed to the Appeals Routing Unit, War Production Board, Washington 25, D. C. However, any request to reopen a case granted or denied on the recommendation of the Appeals Board may be filed with that Board. Appeals should never be addressed to the Executive Secretary or Recording Secretary

who attests the execution of War Production Board actions.

(e) *Appeals Board.* (1) The Appeals Board of the War Production Board is established as an impartial body primarily to consider second and further "appeals from administrative actions" in cases in which exceptional and unreasonable hardship or improper discrimination is claimed. Any person complaining of administrative action on these grounds may have a second or further "appeal from administrative action" submitted to the Appeals Board for final action if he expressly requests it in writing. On the other hand, the Appeals Board will not normally consider any cases which do not involve these factors or which are not second or further "appeals from administrative actions". It is not its ordinary function to review actions involving judgment as to the proper distribution of materials, programming of military or civilian production and their relative essentiality. If the basis for the second or further appeal is relative essentiality and not a claim of exceptional and unreasonable hardship or improper discrimination no request for referral to the Appeals Board should be made. For further information concerning proceedings before the Appeals Board see Direction 1 to this regulation.

(2) Any second or further "appeal from administrative action" in which exceptional and unreasonable hardship or improper discrimination is claimed, if not granted promptly on the recommendation of the official who took the action appealed from (or an official superior to him) will be referred to the Appeals Board: *Provided*, That the referral has been expressly requested in writing by the appellant. However, the referral to the Appeals Board will preclude further consideration of the case by such officials on the above grounds, and the decision of the Appeals Board will be final.

(3) [Deleted Oct. 12, 1945.]

(f) *Grants and denials of appeals.* An "appeal from an order or regulation" will generally be granted or denied on the recommendation of the official administering the order or regulation. When the original administrative action has been taken by a field office of WPB the appeals in certain cases will be sent to Washington. A first "appeal from administrative action" may be granted or denied on the recommendation of the official who took the original action. A second or further "appeal from administrative action" may likewise be granted or denied unless referral to the Appeals Board has been requested in writing by the appellant. A second or further "appeal from administrative action" may be granted or denied on the recommendation of the Appeals Board.

The grant or denial of any appeal in whole or in part will be valid only when issued in the name of the War Production Board, countersigned or attested by the Executive Secretary or Recording Secretary, or in accordance with WPB Regulation No. 1 (§ 903.0). The grant or denial of an appeal referred to the Appeals Board will be indicated by a

phrase such as "on the recommendation of the Appeals Board".

The denial of any appeal, in whole or in part, on the recommendation of the Appeals Board, is final unless the Appeals Board elects to reopen the matter.

(g) *Public files.* Whenever an order or another regulation of the War Production Board expressly so provides, public files containing records relating to the appeals from such orders or regulations or from administrative actions taken under them shall be set up and shall be available for public inspection during the business hours of the War Production Board.

NOTE: The reporting requirements of this regulation have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-18952; Filed, Oct. 12, 1945;
11:08 a. m.]

PART 3278—SALVAGE

[Conservation Order M-325, as Amended
Oct. 12, 1945]

TINPLATE SCRAP

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of tin for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3278.1 *Conservation Order M-325—(a) What this order does.* This order restricts deliveries of tinplate scrap for purposes of tin salvage. There are special provisions regarding the inventories of residual tinplate scrap and the preparation and delivery by manufacturers of damaged or rejected tin cans to detinning plants. Upon application, WPB authorizations may be issued exempting specific deliveries from the restrictions of the order.

(b) *Definitions.* Whenever used in this order: (1) "Tinplate scrap" means any material or product made in whole or in part of tinplate (except detinned scrap) which is the waste of industrial fabrication or which has been discarded after being put into actual use, excluding used tin plate crowns, screw caps or similar closures for various containers. The term shall also include tinplate sheets recovered from used tin cans or from other articles.

(2) "Tinplate" means steel sheets coated with tin (including primes, seconds, waste-waste and waste).

(3) "Detinned scrap" means tinplate scrap which has been treated by a chemical or electro-chemical detinning process so that it contains not more than 3/10 of one percent of tin by weight.

(4) "Used tin can" means any used container made in whole or in part of tinplate which is not to be reused for packing a product.

(5) "Prepared used tin can" means a used tin can which has been thoroughly cleaned so as to remove all organic matter (including paper labels), the ends removed or sufficiently loosened to be folded within the container, and the sides flattened.

(6) "Tinplate clippings" means tinplate scrap, such as discs or butts, generated in the manufacture of cans, closures or other articles.

(7) [Deleted Oct. 12, 1945.]

(8) [Deleted Oct. 12, 1945.]

(9) [Deleted Oct. 12, 1945.]

(10) [Deleted Oct. 12, 1945.]

(11) [Deleted Oct. 12, 1945.]

Used tin cans

(c) [Deleted Oct. 12, 1945.]

(d) [Deleted Oct. 12, 1945.]

(e) Required disposal of certain tin cans. Except as stated below, any person who, in the course of his manufacturing operations, discards tin cans because the cans or their contents are defective, or cuts open tin cans for the purpose of using the contents of such cans or for the purpose of repacking their contents in other containers, must deliver all such cans to or for the account of a detinning plant or shredding plant in a form acceptable to such plant, or to a broker or dealer for delivery by him to a detinning plant or shredding plant in a form acceptable to such plant. However, this restriction shall not apply to any such person during any ninety day period where the amount of cans discarded or cut open during that period is less than a minimum carload quantity, and where such person is unable to dispose of those cans to a broker or dealer. This restriction shall not apply to those cans which a person intends to reuse or deliver to others for reuse.

Special restrictions

(f) Tinplate scrap deliveries. No person shall deliver or accept delivery of tinplate scrap (including tinplate clippings but excluding used tin cans) except where delivery is made to or for the account of (1) a detinning plant, or (2) a broker or dealer for delivery by him to a detinning plant.

(g) Required disposal of residual tinplate scrap. No person who generates tinplate scrap in the course of his manufacturing operations shall keep in his possession for more than 30 days, a quantity of tinplate scrap which exceeds 60,000 pounds or any amount constituting a minimum carload quantity accepted by ODT, whichever is greater. All deliveries of such tinplate scrap pursuant to

this paragraph shall be made in accordance with paragraph (f) above.

(h) [Deleted Oct. 12, 1945.]

General provisions

(i) Authorization for exemption from certain restrictions. (1) Specific authorization to make delivery or accept delivery of tinplate scrap as an exception to paragraph (f) of this order, may be granted by the War Production Board from time to time. Applications for such authorizations shall be made to the Tin, Lead and Zinc Division, War Production Board, Washington 25, D. C., Ref: M-325. Authorization to make delivery or accept delivery of the requested material will ordinarily be granted only in cases where the requested material will be used in place of better grade material or where a substantial part of the requested material will be delivered to a specified salvage depository in a prescribed form. No authorization issued under this paragraph permitting delivery or acceptance of delivery of any material shall constitute an exception to the provisions of any other regulation or order of the War Production Board.

(j) Appeals. Appeals from this order shall be filed by addressing a letter in triplicate to the Tin, Lead and Zinc Division, War Production Board, Washington 25, D. C., Ref: M-325. The letter of appeal need not follow any particular form. It should state informally but completely, the particular provision appealed from, the precise relief desired, the reasons why denial of the appeal would result in exceptional and unreasonable hardship and such other statistical and narrative information as may be pertinent.

(k) Violations. Any person who willfully violates any provision of this order or who, in connection with this order willfully conceals a material fact, or furnishes false information to any department or agency of the United States, is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control, and may be deprived of priorities assistance.

(l) Applicability of regulations. This order and all transactions affected hereby are subject to all applicable regulations of the War Production Board, as amended from time to time.

Issued this 12th day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: Schedule A deleted Oct. 12, 1945.

[F. R. Doc. 45-18948; Filed, Oct. 12, 1945;
11:09 a. m.]

PART 3278—SALVAGE

[Conservation Order M-325, Revocation of Direction 2]

SEGREGATED PREPARED USED TIN CANS

Direction 2 to Conservation Order M-325 is revoked. Because of the dele-

tion of paragraph (d) of Order M-325, as amended October 12, 1945, this direction becomes obsolete. This revocation does not affect any liabilities incurred for violations of the direction or of actions taken by the War Production Board under the direction.

Issued this 12th day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-18947; Filed, Oct. 12, 1945;
11:09 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[General Conservation Order M-317, Revocation of Direction 6]

PRIORITIES ASSISTANCE FOR CLASS A AND CLASS B SHEETINGS FOR GOVERNMENTAL AGENCIES AND INSTITUTIONS

Direction 6 to General Conservation Order M-317 is hereby revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board under the direction.

Issued this 12th day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 45-18946; Filed, Oct. 12, 1945;
11:08 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule F, as Amended Oct. 12, 1945]

SPECIAL PROGRAM FOR WORK GLOVES

§ 3290.120f Schedule F to Order M-328B—(a) Explanation. This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of work gloves to get preference ratings for fabric to make the items listed in this schedule.

(b) Definitions. For the purpose of this schedule:

(1) "Work gloves" means any gloves or mittens of the types and meeting the specifications listed in Schedules A and B of Order M-375 and designed for wear by men, women or children while engaged in their occupations, and customarily sold as work gloves.

(2) "Base period" means the third calendar quarter of 1943.

(c) Special requirements for priorities assistance. (1) Three copies of Form WPB-3732 (Revised) should be filed in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the fourth quarter of 1945 the applications must be postmarked by September 5, 1945.

(2) [Deleted Oct. 12, 1945.]

(3) [Deleted Oct. 12, 1945.]

(d) [Deleted Oct. 12, 1945.]

(e) [Deleted Oct. 12, 1945.]

(f) Style provisions for base period manufacturers. Base period manufac-

turers who are granted ratings under this schedule must make (subject to Order M-375) each style of work glove that they made in the first quarter of 1945 under the following rule: The production of each style of each item made in any quarter must not vary more or less than 10 percent from the proportion of that style of work glove to the total quantity of all styles of work gloves made in the first quarter of 1945. This rule does not apply to hot mill and 2-thumb husking gloves and mittens, which may be made to the full extent of a manufacturer's capacity. These styles should also be excluded in making the computations stated above for other styles.

(g) *Special inventory rule.* Manufacturers who use ratings assigned under this schedule are subject to the inventory provisions of paragraph (f) (4) of Order M-328B except that a 60-day inventory limit applies instead of a 45-day one.

(h) *Notification of unused allocations.* A person who finds that for any reason (such as increases in Army or Navy contracts) he will not place rated orders to the extent authorized on Form WPB-3732 (Revised) for a particular calendar quarter, or will cancel rated orders he has placed, must promptly write a letter giving notice to the Textile, Clothing and Leather Bureau of the War Production Board showing the reference number on his authorization. Letters must specify the quantity and kind of fabric in the same terms in which the authorization was made.

(i) [Deleted Oct. 12, 1945.]

Issued this 12th day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

| Item No. | Item column | Fabric column |
|----------|--|--|
| 1 | Canton flannel gloves and mittens (including hot mill gloves and husking gloves or mittens). | (23) Flannel mitten, white, brown and colored stripe. (23) Flannel, lining. (28) Ticking, 6½ to 8 oz. Knit tubing. (12) Osanburg. (14a) Sheeting, medium, Class O. (16c) Twill (other than 3-leaf). (14c) Sheeting, soft-filled. (17) Print cloth, less than 80 sley. (16a) Drill. Same as Item No. 1. |
| 2 | Canton flannel, hot mill gloves. | (23) Flannel mitten knit tubing. |
| 3 | Canton flannel, two-thumb husking gloves and mittens. | Same as Item No. 1. |
| 4 | Leather combination gloves and mittens. | |
| 5 | Jersey gloves and mittens. | Knit Jersey, 8-9-10½ and 13 oz. weights. Lining, 5½ and 6 oz. Knit tubing. |

[F. R. Doc. 45-18945; Filed, Oct. 12, 1945; 11:08 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule C, as Amended Oct. 12, 1945]

SPECIAL PROGRAM FOR COTTON FABRICS FOR CIVILIAN APPAREL ITEMS

§ 3290.120c *Schedule C to Order M-328B—(a) Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of civilian apparel made of cotton fabric to get preference ratings for fabric to make the items listed in this schedule.

(b) *Definitions.* (1) "Fabric", unless otherwise designated, means a woven fabric twelve inches or more in width.

(2) "Cotton fabric" means any fabric containing less than 25% wool by weight, but of which the remaining fibers are 50% or more cotton by weight.

(3) "Cotton item" means an item of which more than 50% of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is cotton fabric.

(4) "Base period manufacturer" and "base period" mean the same as they do in M-328B except that a person who did not manufacture an item listed in this schedule during the base period at or below the maximum price set forth in the schedule shall not be a base period manufacturer.

(c) *Requirements for obtaining priorities assistance.* (1) Three copies of form WPB-3732 must be filed in making application for priorities assistance under this schedule in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the fourth quarter of 1945 applications shall be postmarked not later than September 5, 1945.

(2) [Deleted Oct. 12, 1945.]

(3) [Deleted Oct. 12, 1945.]

(4) [Deleted Oct. 12, 1945.]

(5) [Deleted Oct. 12, 1945.]

(6) When a fabric is removed from the fabric column for any item, each manufacturer must immediately cancel or unrate any unfilled orders for that fabric which he placed with ratings assigned under this Schedule for that item.

(7) Whenever a fabric is added to a Preference Rating Schedule for any item, an applicant who has filed WPB-3732 for that item need not file a new application, but may send a letter to the War Production Board, Textile, Clothing and Leather Bureau, Washington 25, D. C., requesting authorization to use the new fabric in place of or in addition to fabrics previously applied for. Where the change is only in the sley of the fabric, the authorization to be issued by the War Production Board will give effect to such change and no letter is required. The letter must specify the item number, the

description of the item, the complete description of all of the authorized fabrics which the applicant wishes to use during the quarter and the number of linear yards of each fabric for which priorities assistance is requested. Such letters should be mailed within five days of the issuance date of an amendment incorporating additional fabrics for an item.

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get the particular cotton fabrics shown in the fabric column of the preference rating schedule to make the cotton items specified.

(2) The fabrics must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices:

(i) The price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration; or

(ii) The price specified in the Maximum Price column.

(3) If applications are received for fabric in excess of the amount of fabric which can be allocated to any item, allocations will be assigned in proportion to the manufacturer's base period production of that item. However, an equitable portion of available fabrics will be allocated to applicants who did not produce the items in the base period. If the quantity of a specific construction of fabric is requested in excess of the quantity of that construction which is available for allocation under this schedule the War Production Board may substitute other fabrics for the fabrics applied for taking into account the price of such fabrics with relationship to the price at which the manufacturers will sell the finished item.

(4) A manufacturer who is not a base period manufacturer must comply with the provisions of paragraph (c) (6) of M-328B.

(5) The quantity of cotton fabric which may be applied for by a base period manufacturer, for making an item in each price specified in his application, may not be greater than 100% of the linear yardage used by him in the base period for making that item at such specified price; except that a manufacturer may apply for a larger quantity of an item at a lower price if he decreases the quantity of an item applied for at a higher price by the same number of units.

(6) [Deleted Oct. 12, 1945.]

(7) Manufacturers who did not manufacture an item in the base period must produce the item in the size assortments listed opposite each item in the size assortment column. Where normal industry practice appears, the manufacturer should state his proposed sizes in the remarks section of Form WPB-3732 (revised). If his application is granted, he must comply with these size assortments.

Issued this 12th day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

NOTE: AA-3 Preference Rating Schedule No. 1, deleted in its entirety Oct. 12, 1945.

PREFERENCE RATING SCHEDULE NO. 2—COTTON FABRICS FOR CIVILIAN APPAREL

NOTE: Schedule heading amended Oct. 12, 1945.

NOTE: This schedule applies to the use of preference ratings for the delivery of fabric during the fourth quarter of 1945.

| Item No. | Description of cotton item | Size range | Size assortment per dozen for other than base period manufacturers ¹ | Maximum price column | Fabric column |
|----------|---|--|---|----------------------|--|
| 1..... | Dresses: Misses', Women's, and Juniors'..... | 38 to 44..... 10 to 20..... 9 to 17..... 46 and up..... | Normal Industry Practice..... | \$24.00 27.00 | Cotton and spun rayon mixtures containing less than 25% by weight of rayon and lighter than 3.00 square yards per pound. Carded gingham 5.50 yards per pound and heavier. Print cloths, sley 62 and higher. Carded broadcloths and not more than 100 sley. Carded poplins not more than 100 sley. Class "C" sheeting. Print cloths, sley of 62 and higher. Carded broadcloth, not more than 100 sley. 88/80 lawns. 76/72 lawns. Outing flannel, 4.50 yards per pound and lighter. Carded poplins, sley of 88 and higher. Carded broadcloth, any sley. Print cloths, sley of 66 and higher. Oxford, carded. Combed broadcloth, any sley. Shirting, jacquard, gray-dobby and colored yarn (combed). Oxfords, combed. Carded poplins, sley of 88 and higher. Carded broadcloth, any sley. Oxford, carded. Print cloth, sley of 62 and higher. |
| 2..... | Slips: Women's..... | 38 to 44..... 46 and up..... | Normal Industry Practice..... | 8.50 9.75 | |
| 3..... | Nightgowns: Women's..... | 42 and up..... | Normal Industry Practice..... | 18.50 | |
| 4..... | Shirts: Men's..... | 14 to 17..... 17½ and up..... | Normal Industry Practice..... | 16.50 19.50 | |
| 5..... | Shirts: Men's..... | 14 to 17..... 17½ and up..... | Normal Industry Practice..... | 24.00 27.00 | |
| 6..... | Undershorts: Men's..... | 28 to 44..... 46 and up..... | Normal Industry Practice..... | 5.50 7.25 | |
| 7..... | Undershorts: Men's..... | 28 to 44..... 46 and up..... | Normal Industry Practice..... | 8.50 9.75 | |
| 8..... | Creepers, rompers..... | 6 mos. to 2 yrs. | 6 mos.-1-1½-2-3-3-3-3 | 10.50 | Print cloth, sley of 62 to 72. Print cloth, sley of 56 to 65 (plisse). Carded broadcloth, not more than 100 sley. Carded poplin, sley of 88 to 100. Carded chambray, lighter than 3.90 yards per pound. Print cloth, sley of 56 to 65 (plisse). Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 to 65. Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65 (plisse). Carded broadcloth, not more than 100 sley. Outing flannel, 4.50 yards per pound and lighter. Carded broadcloth, not more than 100 sley. Outing flannel, 4.50 yards per pound and lighter. Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 61 (plisse). Carded broadcloth, not more than 100 sley. Outing flannel, 4.50 yards per pound and lighter. |
| 9..... | Pajamas: Button-on 2-piece, with or without feet or button-on with extra pants..... | 1 to 4..... | 1-2-3-4-3-3-3-3 | 12.00 | |
| 10..... | Pajamas: 1-piece with or without feet..... | 2 to 8..... | 2-4-6-8-2-2-4-4 | 12.00 | |
| 11..... | Pajamas: 2-piece jacket type..... | 2 to 8..... | 2-4-6-8-2-2-4-4 | 13.50 | |
| 12..... | Pajamas: 2-piece jacket type..... | 8 to 16..... | 8-10-12-14-16-2-2-3-3-2 | 15.75 | |
| 13..... | Nightgowns: Infants'..... | 0 to 1..... | Normal Industry Practice..... | 4.50 | |
| 14..... | Nightgowns..... | 1 to 3..... | Normal Industry Practice..... | 6.00 | |
| 15..... | Nightgowns..... | 2 to 8..... | Normal Industry Practice..... | 8.50 | |
| 16..... | Nightgowns..... | 8 to 16..... | 8-10-12-14-16-2-2-3-3-2 | 12.00 | |
| 17..... | Kimonos: Infants'..... | 0 to 1..... | Normal Industry Practice..... | 4.50 | |
| 18..... | Gertrudes: Infants'..... | 0 to 1..... | Normal Industry Practice..... | 4.50 | |
| 19..... | Dresses: Infants'..... | 0 to 1 yr..... | Even..... | 10.50 | |
| 20..... | Dresses: Toddlers' and Children's..... | 1 to 3..... 3 to 6x..... | 1-2-3-2-4-6-3-4-5-6-6x-1-2-3-3-3 | 15.75 | |

¹First line indicates size. Second line the number of each size.

PREFERENCE RATING SCHEDULE NO. 2—COTTON FABRICS FOR CIVILIAN APPAREL—Continued

| Item No. | Description of cotton item | Size range | Size assortment per dozen for other than base period manufacturers ¹ | Maximum price column | Fabric column |
|----------|--|------------------------------|---|----------------------|--|
| 21 | Dresses: Girls' | 7 to 14 | Normal Industry Practice | 16.50 | Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65 (plisse). Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Carded chambray, lighter than 3.90 yards per pound. Carded gingham and seersucker. Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65 (plisse). Carded poplin, 100 sley and less. |
| 22 | Dresses: Teen-age Girls' | 10 to 16 | Normal Industry Practice | 18.75 | Carded broadcloth, not more than 100 sley. Carded chambray, lighter than 3.90 yards per pound. Seersucker. Carded gingham. Carded broadcloth, not more than 100 sley. 88/80 lawns. 76/72 lawns. 72/56 lawns. |
| 23 | Slips: Toddlers' | 1 to 3 | 1-2-3 4-4-4 | 4.50 | Print cloth, sley of 62 to 65. Carded broadcloth, not more than 10. sley. Print cloth, sley of 62 and higher. 88/80 lawns. 76/72 lawns. 72/56 lawns. |
| 24 | Slips: Girls' Gertrude type | 2 to 14 | 2-4-6-8-10-12-14 1-2-2-3-2-1-1 | 6.75 | Carded broadcloth, not more than 100 sley. 88/80 lawns. 76/72 lawns. 72/56 lawns. |
| 25 | Slips: Girls' Shoulder strap | 10 to 16 | 10-12-14-16 1-4-4-3 | 9.75 | Carded broadcloth, not more than 100 sley. 88/80 lawns. |
| 26 | Blouses: Children's | 2 to 6X | Normal Industry Practice | 12.00 | Print cloth, sley of 62 and higher. Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. 76/72 lawns. Dimities. Dotted swiss, carded undyed yarn. Print cloth, sley of 62 and higher. Dimities. |
| 27 | Blouses: Girls' | 7 to 14 | 7-8-10-12-14 2-2-3-3-2 | 13.50 | Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. 88/80 lawns. 76/72 lawns. Dotted swiss, carded undyed yarns. Carded broadcloth, not more than 100 sley. Print cloth, sley of 62 and higher. |
| 28 | Panties: Girls' | 2 to 12 | 2-4-6-8-10-12 1-2-2-3-2-2 | 4.50 | 88/80 lawns. 76/72 lawns. 72/56 lawns. |
| 29 | Overalls and coveralls | 1 to 4 years 2 to 8 years | 1-2-3-4 3-3-3-3 Normal Industry Practice. | 12.00 | Print cloth, sley, of 56 to 65, (plisse). Sport denim. Carded chambray, lighter than 3.90 yards per pound. Twills (other than 3 leaf). Drills. |
| 30 | Overalls: Crawler type | 6 mos. to 2 years | Normal Industry Practice | 10.50 | Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65, (plisse). Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Carded chambray, lighter than 3.90 yards per pound. Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65, (plisse). Carded chambray, lighter than 3.90 yards per pound. |
| 31 | Wash suits, boys', toddlers' | 1 to 4, 2 to 8 | Normal Industry Practice | 15.75 | Sport denim. Pique. Seersucker. Carded poplin, sheeting yarns. Drills. Twills (other than 3 leaf). Print cloth, sley of 62 and higher. Carded poplin, 100 sley and less. Carded broadcloth, not more than 100 sley. Carded poplin, sley of 88 and higher. Carded broadcloth, 80 sley and higher. Print cloth, sley of 62 and higher. |
| 32 | Boys' shirts and blouses | 2 to 10 | 2-4-5-8-10 2-2-3-3-2 | 9.00 | Drills. Twills (other than three leaf). Gabardines. |
| 33 | Shirts: Boys' | 11 to 14½ | Normal Industry Practice | 12.00 | Suitings (cotton; cotton and rayon, and mixtures containing less than 25% wool). Carded poplin, sheeting yarn. Carded poplin, sley of 88 and higher. Carded broadcloth, 80 sley and higher. Print cloth, sley of 62 and higher. Sport denim. Carded chambray, lighter than 3.90 yds/lb. Print cloth, sley of 62 and higher. Print cloth, sley of 56 to 65 (plisse). Pique. |
| 34 | Pants: Boys' | 4 to 10 | Normal Industry Practice | 13.50 | Carded broadcloth not more than 100 sley. 88/80 lawns. 76/72 lawns. Carded poplin, 100 sley and less. Carded poplin, 100 sley and less. Carded broadcloth, 100 sley and less. Print cloth, sley of 62 and higher. Carded chambray, lighter than 3.90 yds/lb. Carded poplin, sheeting yarns. Print cloth, sley of 56 to 65 (plisse). Drills. |
| 35 | Undershorts: Boys' | 6 to 16 | Normal Industry Practice | 4.25 | Twills (other than three leaf). Sport denim. Pique. Seersucker. |
| 36 | Sun suits: Boys' and Girls' | 1 to 8 | Normal Industry Practice | 9.00 | |
| 37 | Wash suits: Boys' (Must be made in full size range of at least 3 to 10). | 3 to 12 | Normal Industry Practice | 17.25 | |

¹ First line indicates size. Second line the number of each size.

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule D, as Amended Oct. 12, 1945]

SPECIAL PROGRAM FOR COTTON FABRICS FOR NURSES' UNIFORMS

§ 3290.120d *Schedule D to Order M-328B—(a) Explanation.* This schedule states the special rules in addition to those set forth in Order M-328B for manufacturers of student and graduate nurses' uniforms made of cotton fabrics to get preference ratings for fabrics to make the items listed in this schedule.

(b) *Definitions.* (1) "Fabrics," unless otherwise designated, means a woven fabric 12 inches or more in width.

(2) "Cotton fabric" means any fabric containing less than 25 percent wool by weight but of which the remaining fibers are 50 percent or more cotton by weight.

(3) "Cotton item" means an item of which more than 50 percent of the fabric yardage incorporated in it, exclusive of linings, binding and trimmings, is cotton fabric.

(c) *Special requirements for obtaining priorities assistance.* (1) Three copies of Form WPB-3732 Revised must be filed in making application for priorities assistance under this schedule, in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the fourth quarter of 1945 applications must be postmarked not later than September 5, 1945.

(2) [Deleted Oct. 12, 1945.]

(3) [Deleted Oct. 12, 1945.]

(4) [Deleted Oct. 12, 1945.]

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get the particular fabrics shown in the Fabric Column of the preference rating schedule to make the cotton items specified.

(2) If applications are received for rated quotas in an amount for any item in excess of the yardage allotted for that item, the rated quotas will be assigned in proportion to the manufacturer's production of the particular items during the base period.

(3) If the manufacturer did not produce or have produced for his own account in the base period the item for which application is made, he must comply with the provisions of paragraph (c) (6) of M-328B.

(4) The minimum linear yardage which shall be incorporated in each dozen of the item for which a grant is made, shall in the case of a base period manufacturer, be no less than the amount used by him for the production of the same item in the base period. In the case of persons who did not manufacture the item in the base period the minimum linear yardage of fabric per dozen shall be the product of the total yards of each fabric authorized, divided by the number of units authorized in the grant by the War Production Board.

(5) [Deleted Oct. 12, 1945.]

(6) Manufacturers who did not produce the item applied for in the base period and cannot, therefore, comply with paragraph (f) (5) of M-328B, shall specify in the "Remarks" section of form WPB-3732 Revised the assortment of

sizes per dozen for each size range for which application is made. He must comply with the size ranges and assortments of sizes which the War Production Board specifies in its grant of priorities assistance.

(7) Student nurses' uniforms manufactured under this schedule may be sold only to hospitals or nurses' training schools; or to persons who furnish substantially the following certification on their purchase orders:

The purchaser represents to the seller and to the War Production Board that the student nurses' uniforms covered by this order will be sold only to hospitals or nurses' training schools or for ultimate delivery to such institutions.

The standard certification provided for in Priorities Regulation 7 may not be used instead of the above.

Issued this 12th day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

**PREFERENCE RATING SCHEDULE—SECTION (A)
GRADUATE NURSES' UNIFORMS**

| Item No. | Items | Fabric |
|----------|---------------|---|
| A-1----- | Uniforms----- | Poplin, combed—88 sley or higher. Poplin, carded—90 sley or higher. Broadcloth, combed—96 sley or higher. Broadcloth, carded—100 sley or higher. |
| A-2----- | Caps----- | Lawn and Organdy—76 x 72, 9.00 yard. Poplin, carded—90 sley or higher. Broadcloth, carded—100 sley or higher. |

**PREFERENCE RATING SCHEDULE—SECTION (B)
STUDENT NURSES' UNIFORMS**

| Item No. | Items | Fabric |
|----------|--------------------|--|
| B-1----- | Uniforms, colored. | Chambray—4.20-4.30 yard. Class "A" Sheeting—40 x 40 or higher. Jeans. Broadcloth, combed—96 sley or higher. Poplin, combed—88 sley or higher. 68/72 sheeting. |
| B-2----- | Uniforms, white. | Class "A" Sheeting—40 x 40 or higher. Jeans. Chambray, 4.20-4.30 yard. Poplin, combed—88 sley or higher. Broadcloth, combed—96 sley or higher. |
| B-3----- | Caps----- | Lawn and Organdy—76 x 72, 9.00 yard or higher. Poplin, combed—88 sley or higher. Broadcloth, combed—96 sley or higher. |
| B-4----- | Collars----- | Print cloth, 68 x 64—4.85 yard 39" or higher. Jeans. Class "C" Sheeting. 68/72 sheeting. |
| B-5----- | Cuffs----- | Print cloth, 68 x 64—4.85 yard 39" or higher. Jeans. Class "C" Sheeting. 68/72 sheeting. |
| B-6----- | Aprons----- | Class "A" Sheeting, 40 x 40 or higher. Class "C" Sheeting. 68/72 sheeting. |
| B-7----- | Bibs----- | Class "A" Sheeting, 40 x 40 or higher. Class "C" Sheeting. 68/72 sheeting. |

[F. R. Doc. 45-18950; Filed, Oct. 12, 1945; 11:09 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M-328B, Schedule K, as Amended Oct. 12, 1945]

SPECIAL PROGRAM FOR WOOL CIVILIAN ITEMS

§ 3290.120k *Schedule K to Order M-328B—(a) Explanation.* This schedule states the special rules in addition to those set forth in M-328B for manufacturers of civilian items manufactured from wool fabric to get preference ratings for wool fabric for delivery beginning in the fourth quarter of 1945 to make the items listed in this schedule:

(b) *Definitions.* For the purpose of this schedule:

(1) "Fabric" unless otherwise designated, means a woven or knitted fabric 12 inches or more in width.

(2) "Wool fabric" means any fabric incorporating 25% or more by weight of new, re-processed or re-used wool fiber except upholstery pile fabrics and floor coverings and blankets and felt. The term includes woolen and worsted fabrics.

(3) "Wool item" means an item of which 50% or more of the fabric yardage incorporated in it, exclusive of linings, bindings and trimmings, is made of woolen or worsted fabrics.

(4) "Base period manufacturer" and "base period" mean the same as they do in Order M-328B, except that a person who did not manufacture an item listed in this schedule during the base period at or below the maximum price set forth in the schedule shall not be considered a base period manufacturer.

(c) *Special requirements for obtaining priorities assistance.* (1) Three copies of form WPB-3732 must be filed in accordance with the rules stated in paragraph (c) of Order M-328B, except that for the fourth calendar quarter of 1945 applications must be postmarked not later than September 5, 1945.

(2) [Deleted Oct. 12, 1945.]

(3) [Deleted Oct. 12, 1945.]

(4) A base period manufacturer may not apply for a quantity of wool fabric for any item greater than 100% of the linear yards used by him in the base period for the production of that item.

(d) *General provisions.* (1) Preference ratings assigned under this schedule may be used only to get wool fabrics to make the wool items specified in the preference rating schedule.

(2) The fabrics must be incorporated into an item produced for sale by the manufacturer at or below the lower of the following two prices:

(i) The price at which the manufacturer is permitted to sell the item under regulations of the Office of Price Administration.

(ii) The price specified in the maximum price column.

(3) A manufacturer who is not a base period manufacturer must comply with the provisions of paragraph (c) (6) of Order M-328B.

(4) A manufacturer who did not manufacture an item on the base period must state his proposed production by size assortment per dozen in the "Remarks" section of Form WPB-3732. If his application is granted, he must comply with these size assortments.

- (5) [Deleted Oct. 12, 1945.]
 (6) [Deleted Oct. 12, 1945.]
 (7) [Deleted Oct. 12, 1945.]

(e) *Quantity of wool fabric production subject to ratings.* A producer of wool fabric shall not be required to deliver or use, in the fourth quarter of 1945, to fill orders bearing CC ratings assigned under Order M-328B, more than a yardage of wool fabric equal to 45 percent of his fourth quarter production.

(f) *Acceptance of rated orders.* (1) If a supplier of wool fabric receives orders bearing CC ratings (assigned under Order M-328B) before October 6, 1945, he may hold them until that date before determining whether he is required to accept them. However, he must not actually reject any such CC orders before that date. If, on October 6, 1945, he has received such rated orders for more than the yardage subject to M-328B ratings under paragraph (e), he may then reject any such CC rated orders previously served on him to the extent of the excess. This subparagraph (1) does not affect AA-3 rated purchase orders which have been accepted and which may be rerated CC before October 1, 1945, in accordance with Direction 18 to Order M-328.

(2) Any purchaser who is unable to get his rated orders accepted, should notify the War Production Board.

(g) The special rules of this Schedule K for the handling of ratings apply only to CC ratings assigned under Order M-328B. Nothing in this Schedule affects CC ratings assigned on Form WPB-541A under Priorities Regulation 28, or MM ratings.

Issued this 12th day of October 1945.

WAR PRODUCTION BOARD,
 By J. JOSEPH WHELAN,
Recording Secretary.

PREFERENCE RATING SCHEDULE—WOOL FABRICS
 FOR CIVILIAN ITEMS

(The applicable provisions of each column are indicated for each numbered item opposite the item number)

| Item No. | Description of wool item | Size range | Maximum price column |
|---------------|---|--------------------|----------------------|
| <i>Coats</i> | | | |
| 1 | (Without fur trimming) Women's, Misses' and Juniors'. | 9-17, 12-44. | Each \$16.75 |
| 2 | Teen-age girls'. | 46 and up. | 18.75 |
| 3 | Girls'. | 10-16. | 10.75 |
| 4 | Children's and small boys'. | 7-14. | 8.75 |
| 5 | Toddler's. | 3-8. | 6.75 |
| 6 | Infants'. | 1-4. | 5.75 |
| | | 6 months to 2 yrs. | 4.75 |
| <i>Suits</i> | | | |
| 7 | Women's, misses' and juniors'. | 9-17, 12-44. | 16.75 |
| 8 | Teen-age girls'. | 46 and up. | 18.75 |
| 9 | Girls'. | 10-16. | 10.75 |
| | | 7-14. | 8.75 |
| <i>Skirts</i> | | | |
| 10 | Women's, misses' and juniors'. | 9-17, 12-44. | 3.50 |
| 11 | Teen-age girls'. | 46 and up. | 4.00 |
| 12 | Girls'. | 10-16. | 3.00 |
| 13 | Children's. | 7-14. | 2.50 |
| | | 3-6. | 2.00 |
| <i>Suits</i> | | | |
| 14 | Men's. | All sizes. | 21.00 |
| 15 | Students'. | 32-38. | 15.75 |
| 16 | Cadets'. | 8-16. | 11.75 |
| 17 | Juniors'. | 3-12. | 7.50 |

PREFERENCE RATING SCHEDULE—WOOL FABRICS
 FOR CIVILIAN ITEMS—continued

(The applicable provisions of each column are indicated for each numbered item opposite the item number)

| Item No. | Description of wool item | Size range | Maximum price column |
|------------------------------|--------------------------|---------------|----------------------|
| <i>Separate trousers</i> | | | |
| 18 | Men's. | All sizes. | Pair \$5.50 |
| 19 | Students'. | 25-32. | 4.25 |
| 20 | Cadets'. | 21-26. | 3.25 |
| 21 | Juniors'. | 3-12, 6-16. | 2.50 |
| <i>Overcoats or topcoats</i> | | | |
| 22 | Men's. | All sizes. | Each \$22.50 |
| 23 | Students'. | 12-24, 32-38. | 12.75 |
| 24 | Boys'. | 8-20. | 10.00 |
| 25 | Juniors'. | 4-12. | 8.50 |

[F. R. Doc. 45-18944; Filed, Oct. 12, 1945;
 11:08 a. m.]

Chapter XI—Office of Price Administration

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMPP 136, Amdt. 18]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 136 is amended in the following respects:

1. Section 19 is amended in the following respects:

a. Paragraph (f) entitled "Drop forgings, metal stampings and screw machine products" is relettered (g).

b. Paragraph (g) entitled "Radio tubes" is relettered (h).

c. Paragraph (h) entitled "Radio parts" is relettered (i).

2. Section 19 (g) (1) (relettered (h) (1) by this amendment) is amended to read as follows:

(h) *Radio tubes*—(1) *Definition.* For the purpose of this section, "Radio tubes" means "Radio receiving tubes" which were in actual use for radio receiver purposes in March 1942. The term does not mean special purpose and transmitting tubes or any tubes not made in March 1942, or tubes for which list prices were not established on March 31, 1942.

3. Section 19 (h) (relettered (i) by this amendment) is amended to read as follows:

(i) *Radio parts*—(1) *Definition.* For the purpose of this section, the term "Radio parts and electronic circuit parts" means:

Fixed capacitors of all types (excluding mica capacitors);

Variable condensers, all types, including padders and trimmers (except mica condensers);

Fixed wire wound resistors, excluding heater elements;

Fixed resistors other than wire wound, designed especially for radio and radar use;

Variable resistors, all types, designed for radio and radar use;

Transformers, coils and chokes designed for radio and radar use;

Speakers and vibrators designed for use in electronic applications;

Parts for electric phonographs or phonograph recorders or electric phonographs combined with radios;

Hardware, molded parts, terminals, shields and switches and other parts designed for radio and radar use.

This description does not include:

Radio tubes and tube parts and radio cabinets;

Such parts and materials that require additional fabrication before they become identified as an integral electronic component part.

(2) *Base date.* For the purposes of the increased prices provided by this paragraph, the "base date" for all radio parts and electronic circuit parts shall be taken to be October 1, 1941.

(3) *Maximum prices.* The maximum prices for sales by manufacturers of any new radio parts and electronic circuit parts shall be the higher of the following:

(i) For unmodified radio parts and electronic circuit parts, the maximum prices in effect on October 10, 1945, or the prices established under section 7 (using October 1, 1941, as the base date established by this paragraph) increased by the following percentages:

| | Percent |
|--|---------|
| Coils for radio equipment (including R. F. and I. F. coils)..... | 26.3 |
| Fixed capacitors..... | 16.4 |
| Radio power and audio transformers, chokes and vibrators..... | 16.1 |
| Variable condensers..... | 13.5 |
| Speakers and speaker parts..... | 13.5 |
| Parts for electric phonographs or phonograph recorders or electric phonographs combined with radios..... | 11.5 |
| Fixed and variable resistors..... | 9.5 |
| All other radio parts..... | 9.5 |

(ii) For modified radio parts and certain electronic circuit parts, the maximum prices established on October 10, 1945, or the prices computed under section 8, using the prices computed under the preceding subdivision (i) as the "established price in effect on the base date" for the item before modification.

(4) *Resellers.* A reseller of radio parts and electronic circuit parts may increase his maximum price by the same percentage by which the maximum price of his supplier has been increased by this paragraph on sales and deliveries to the reseller.

4. Appendix A: "Products Covered by the Regulation", is amended by adding the following products and base date:

Electric recorders when sold by the manufacturer of the part or when sold to industrial, commercial or governmental users, March 31, 1942.

This amendment shall become effective October 11, 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18904; Filed, Oct. 11, 1945;
 4:43 p. m.]

PART 1312—PRIMARY FOREST PRODUCTS

[MPR 534-2, Amdt. 4]

HICKORY AND ASH LOGS AND OTHER
SPECIALTY WOODS

Correction

In Federal Register Document 45-17063, appearing at page 11706 of the issue for Thursday, September 13, 1945, section 11 (e) (3) should read as follows:

43) No. 2 quality. All logs and bolts 8" and up in diameter must have at least 2 clear faces; end defects are permitted. If the defects reduce the footage cut from the log more than 25 percent, the log will be classed as a cull.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[MPR 132, Amdt. 12]

RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation 132 is amended in the following respects:

1. Section 1315.68 (a) (8) is amended to read as follows:

(8) "Canvas rubber footwear" means canvas-topped rubber-soled shoes of vulcanized construction.

"Casual rubber footwear" means all fabric-topped rubber-soled shoes of vulcanized construction other than canvas topped athletic shoes and conventional styles and types of other canvas-topped shoes of vulcanized construction.

2. The headnote of § 1315.73 is amended to read as follows:

§ 1315.73 *Appendix D: Maximum prices for canvas rubber footwear other than casual rubber footwear as defined in § 1315.68 (a) (8).*

3. The heading of Table II in § 1315.73 is amended to read as follows:

TABLE II—CANVAS RUBBER FOOTWEAR OTHER THAN CASUAL RUBBER FOOTWEAR PRICES FROM WHICH DISCOUNTS MUST BE DEDUCTED¹

4. Footnotes¹ and ² are added at the end of Table II in § 1315.73 to read as follows:

¹ Where an item of canvas rubber footwear priced in the table above is made with loose-lining construction, or with soles of colors other than black, or with arch supports, or with heel cushions, the following differentials may be added to the maximum prices established for the item in the table:

For loose lining construction 50 cents per pair. For colored soles (any color but black)—10 cents. For arch supports, or if no arch supports, for heel cushions:

| | |
|--------------|--------|
| Men's..... | \$0.25 |
| Youths'..... | .15 |
| Boys'..... | .20 |
| L. G..... | .10 |
| Women's..... | .20 |
| Misses'..... | .15 |
| Child's..... | .10 |

The maximum price for any item to which the above differential has been added shall

not be deemed to be the maximum price unless and until the manufacturer has reported his proposed list price for the item being priced to the OPA and has sent a sample of the item to the OPA. If the maximum list price proposed to the OPA by the manufacturer is less than the maximum price computed for it by adding the appropriate differential, the proposed list price shall be the manufacturer's maximum price. In such cases the manufacturer may at any time thereafter redetermine his maximum price by adding all or any unused portion of the differential and reporting such redetermined maximum price to the OPA. Before or with the first delivery to any reseller of any of the items priced by this footnote, the manufacturer shall furnish the list prices to such reseller. This footnote does not apply to canvas rubber footwear which is priced under paragraph (b) below or to "casual rubber footwear" as defined in § 1315.68 (a) (8).

² Where an item of canvas rubber footwear listed in Table II above meets the required specifications and has added or special features (not covered by footnote¹ above) that are not generally used in such footwear, or is of a special or novel style or type, its maximum price may be established by the Office of Price Administration after application therefor by the manufacturer pursuant to § 1315.65a.

5. Paragraph (b) of § 1315.73 is amended to read as follows:

(b) *Maximum prices for canvas rubber footwear covered by this section which the manufacturer proposes to sell at prices lower than the maximum prices listed in Table II of paragraph (a)—(1) Applicability.* This paragraph applies to canvas rubber footwear which is listed in Table II of paragraph (a) and which does not meet the specifications required for pricing under that paragraph and which the manufacturer proposes to sell at list prices which are lower than the list prices of the corresponding items listed in Table II of paragraph (a).

(2) *Maximum prices.* The manufacturer's maximum price for an item of canvas footwear described in paragraph (b) (1) above shall be the maximum list price therefor proposed by the manufacturer (which proposed list price must be lower than the maximum price for the corresponding item listed in Table II of paragraph (a)) in a report that he shall file with the Office of Price Administration. The manufacturer shall submit a sample of the footwear being priced with his report. The maximum price proposed by the manufacturer is not his maximum price until the report and sample have been submitted to the Office of Price Administration. Before or with the first delivery to any reseller of any of the footwear priced, the manufacturer shall furnish the list price of the item to such reseller.

6. A new section designated § 1315.73a is added to read as follows:

§ 1315.73a *Appendix E: Maximum prices for casual rubber footwear which the manufacturer proposes to sell at or below certain list prices.* The manufacturer's maximum price for an item of casual rubber footwear which the manufacturer proposes to sell at or below the list price listed for it below shall be the maximum price for the item proposed by the manufacturer in a report that he shall file with the OPA. The manufacturer shall at the same time,

submit a sample of the item being priced. The maximum price proposed by the manufacturer must be at or below the prices listed below. The manufacturer's proposed maximum price is not his maximum price until such report and sample have been filed with the OPA. Before or with the first delivery to a reseller the manufacturer of any footwear priced under this section shall furnish the list price of the items being sold to the reseller.

CASUAL FOOTWEAR PRICES FROM WHICH DISCOUNTS MUST BE DEDUCTED¹

| Item: | Manufacturers' list price |
|--------------|---------------------------|
| Mens'..... | \$3.00 |
| Boys'..... | 2.80 |
| Youths'..... | 2.60 |
| Women's..... | 2.37 |
| Misses'..... | 2.19 |
| Child's..... | 2.01 |

¹ In order to determine his maximum price for casual rubber footwear subject to this paragraph, the manufacturer shall deduct from the price for the casual rubber footwear in question set forth in the above table, all discounts, allowances and other deductions from the list price that he had in effect to a purchaser of the same class on December 3, 1941, for comparable casual footwear; or if he was not selling comparable casual footwear on December 3, 1941, on the most recent date prior thereto, not earlier than January 1, 1941, on which he was selling such casual footwear. If a manufacturer had no discount policy for comparable casual footwear in effect at any time between January 1, 1941, and December 3, 1941, he shall deduct all discounts, allowances and other deductions from the list price that his most closely competitive seller of comparable casual footwear had in effect to a purchaser of the same class on December 3, 1941.

This amendment shall become effective October 17, 1945.

NOTE: The reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18969; Filed, Oct. 12, 1945; 11:52 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

[RMPR 229, Amdt. 3]

RETAIL AND WHOLESALE PRICES FOR RUBBER FOOTWEAR

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 229 is amended in the following respects:

1. Paragraph (b) of section 1 is amended to read as follows:

(b) "Canvas rubber footwear" means canvas-topped rubber soled shoes of vulcanized construction.

"Casual rubber footwear" means all fabric-topped rubber-soled shoes of vul-

canized construction other than canvas-topped athletic shoes and conventional styles and types of other canvas-topped shoes of vulcanized construction.

2. Paragraphs (c) and (d) of section 5 are redesignated (e) and (f), respectively.

3. A new paragraph designated (c) is added to section 5 to read as follows:

(c) *Maximum prices for sales at retail of domestically produced canvas rubber footwear firsts that are not covered by paragraph (a) or (b).* The maximum prices for sales at retail of domestically produced canvas rubber footwear firsts (other than casual rubber footwear as defined in section 1 (b)) that are made with loose lining construction, or with soles in colors other than black, or with arch supports, or with heel cushions, or that have other added or special features not generally used in such footwear, or that are of a special or novel style or type, and of all other canvas rubber footwear firsts that cannot be priced under paragraph (a) or (b) above shall be derived by dividing the retailer's net purchase price, not exceeding the maximum price for the supplier's sales to the retailer, by .62.

4. A new paragraph designated (d) is added to section 5 to read as follows:

(d) *Maximum prices for sales at retail of domestically produced casual rubber footwear firsts.* The maximum prices for sales at retail of domestically produced casual rubber footwear firsts shall be derived by dividing the retailer's net purchase price, not exceeding the maximum prices for the supplier's sales to the retailer, by .60.

5. Paragraphs (b) and (c) of section 6 are redesignated (c) and (d), respectively.

6. A new paragraph designated (b) is added to section 6 to read as follows:

(b) *Maximum prices for sales at wholesale of domestically produced casual rubber footwear firsts and canvas rubber footwear firsts (other than casual rubber footwear) that are not covered by paragraph (a) above.* The maximum prices for sales at wholesale of domestically produced casual rubber footwear, as defined in section 1 (b), and of domestically produced canvas rubber footwear made with loose lining construction, or with soles in colors other than black, or with arch supports, or with heel cushions, or that have other added or special features not generally used in such footwear, or that are of special or novel styles or types, and of all other canvas rubber footwear that is not covered by paragraph (a) above shall be the manufacturer's list price therefor that has been established by the Office of Price Administration, less all discounts, allowances, and other deductions that the wholesaler had in effect to a purchaser of the same class between April 1 and October 25, 1941. Section 1315.73 and § 1315.73a of Maximum Price Regulation 132 require the manufacturer of any footwear priced under this paragraph to furnish the wholesaler with the list prices.

7. Section 18 is amended by adding at the end thereof the following:

"Rubber" means substitute rubber and all forms and types of rubber including synthetic, reclaimed and balata rubber.

8. Footnote 1 to Appendix B is amended by adding thereto the following at the end of the footnote:

Items of canvas-topped rubber-soled footwear listed in Appendix B that are made with loose lining construction, or with soles in colors other than black, or with arch supports, or with heel cushions, or that have other added or special features not generally used in such footwear, or that are of special or novel types, are priced under section 5 (c) at the retail level and under section 6 (b) at the wholesale level. Casual rubber footwear as defined in section 1 (b) is also priced under section 5 (c) at the retail level and section 6 (b) at the wholesale level.

This amendment shall become effective October 17, 1945.

Issued this 12th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18970; Filed, Oct. 12, 1945; 11:53 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR. 30,¹ Amdt. 14]

WASTEPAPER

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 30 is amended in the following respects:

1. In § 1347.14 Appendix A, (a) (1) Footnote 4 is amended to read as follows:

4. "Old Corrugated Containers" consist of stock from used corrugated containers and may contain other Kraft paper or board which meets the requirements for inclusion in any Kraft grade listed in this Appendix A at a price equal to or higher than the price listed for "Old Corrugated Containers." Lower qualities may contain stock from used solid fibre containers.

2. In § 1347.14 Appendix A, (a) (1) Footnote 7 is amended to read as follows:

7. "No. 1 heavy books and magazines" consist of used and overissue books and magazines, stitchless stock, quire waste and similar printed matter and may contain other white paper which meets the requirements for inclusion in any white grade listed in this Appendix A at a price equal to or higher than the price listed for "No. 1 heavy books and magazines." The packing may contain up to 5% outthrow. A shipment containing more than 5% outthrow but not more than 10% outthrow must be rejected or paid for only after adjustment to eliminate any payment for outthrow in excess of 5%; in such shipment the excess of outthrow becomes the property of the purchaser. When a shipment invoiced as "No. 1 heavy books and magazines" contains outthrow of more than

10%, such shipment must be rejected as "No. 1 heavy books and magazines" and may be accepted only as "No. 1 Mixed Papers," even though it would otherwise meet the definition of "Mixed books." A deduction of at least \$5.00 per ton from the maximum price must be made if the material is not packed in machine compressed bales weighing not less than 500 lbs., in air compressed bales, or on skids.

This amendment shall become effective October 17, 1945.

Issued this 12th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18966; Filed, Oct. 12, 1945; 11:51 a. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[RMPR 129,¹ Amdt. 2]

CERTAIN CONVERTED PAPER PRODUCTS AND CERTAIN INDUSTRIAL PAPERS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 129 is revised in the following respect:

In Appendix A the applicable base period for envelopes is changed to read: "October 1-December 15, 1941."

This amendment shall become effective October 17, 1945.

Issued this 12th day of October 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-18967; Filed, Oct. 12, 1945; 11:52 a. m.]

PART 1347—PAPER, PAPER PRODUCTS AND RAW MATERIALS FOR PAPER AND PAPER PRODUCTS, PRINTING AND PUBLISHING

[MPR 140,² Amdt. 7]

SANITARY NAPKINS AND TAMPONS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 140 is amended in the following respect:

Section 1347.158a is added to read as follows:

§ 1347.158a *Applications for adjustment*—(a) *When adjustments may be granted.* (1) The Office of Price Administration may adjust any maximum price established by the regulation for sanitary napkins or tampons in any case in which it finds that the manufacturer is unable to maintain his production of sanitary napkins or tampons at that price and that loss of the manufacturer's production will force his customers to resort to higher priced or inadequate sources of supply.

¹ 7 F.R. 9732; 8 F.R. 3845, 6109, 7350, 7821, 7199, 13049, 17483; 9 F.R. 6107, 8056, 11108; 10 F.R. 1787, 4103, 4492, 7338.

² 9 F.R. 6825; 10 F.R. 11298.

³ 7 F.R. 5563, 7178, 8946; 8 F.R. 7108, 13247; 9 F.R. 8254.

(2) *Amount of relief.* The relief granted under this section shall be limited to the amount necessary to insure the maintenance of the manufacturer's production.

(3) *Form of application.* Applications for adjustment shall be filed in accordance with the provisions of Revised Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) Notwithstanding any other provision of this regulation, in the event that an adjustment is or has been granted under paragraph (a) above, each subsequent reseller may add the exact dollar and cents amount of the increase to his maximum price. Each manufacturer and each reseller shall in every first shipment or delivery to a customer include a notice, as described below, of the change in maximum price, in each carton or case containing the item, or securely attach it to such carton or case, and also indicate the change on the invoice accompanying the shipment.

The form of the written notice of change follows:

(Insert date)

Our O. P. A. ceiling price for (describe the appropriate specifications as shown in the letter order).

We are authorized to inform you that if you are a wholesaler or retailer, under Maximum Price Regulation No. 140 you may recalculate your ceiling price for this item on the first delivery of it to you containing this notification on or after (insert here effective date of price change). You may add to your ceiling price per case (insert actual increase in dollars and cents.)

This amendment shall become effective October 17, 1945.

NOTE: All of the reporting requirements of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 12th day of October 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-18965; Filed, Oct. 12, 1945;
11:51 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS [MPR 422,¹ Amdt. 56]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN GROUP 3 AND GROUP 4 STORES

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 422 is amended in the following respects:

1. Section 18a is amended to read as follows:

SEC. 18a. *Gift and holiday packages assembled by you.* If you assemble into gift or holiday packages, any food item covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers,

your ceiling price will be the sum of the following, multiplied by 1.05:

(1) Your direct cost of each item included in the package multiplied by 1.40; plus

(2) Your direct cost of the packaging materials, including the container, used for the particular package.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, and fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.15:

(1) Your direct cost of each item included in the package multiplied by 1.40; plus

(2) Your ceiling price for the container figured under the applicable maximum price regulation. (If you have no ceiling price for the container, you may multiply the direct cost of the container by 1.40); plus

(3) Your direct cost of the packaging materials used for the particular package.

"Direct cost" as used in the above subparagraphs, means your "net cost" for each item subject to this regulation. For items included in the package not otherwise subject to this regulation, it means the lawful amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid.

2. Section 18b is added to read as follows:

SEC. 18b. *Special allowance for forwarding gift package to a donee in a foreign country.* If you deliver a food package directly upon order of the purchaser to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to your ceiling price an amount not to exceed 50 cents for forwarding such package, plus the actual mailing and insurance charges.

This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

This amendment shall become effective October 18, 1945.

Issued this 12th day of October 1945.

CHESTER BOWLES,
Administrator.

Approved: October 4, 1945.

J. B. HUTSON,
Under Secretary of Agriculture.

[F. R. Doc. 45-18964; Filed, Oct. 12, 1945;
11:51 a. m.]

PART 1351—FOOD AND FOOD PRODUCTS [MPR 423,¹ Amdt. 54]

CEILING PRICES OF CERTAIN FOODS SOLD AT RETAIL IN INDEPENDENT STORES DOING AN ANNUAL BUSINESS OF LESS THAN \$250,000 (GROUP 1 AND GROUP 2 STORES)

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Maximum Price Regulation No. 423 is amended in the following respects:

1. Section 18b is amended to read as follows:

SEC. 18b. *Gift and holiday packages assembled by you.* If you assemble into gift or holiday packages, any food items covered by this regulation, with or without any items not covered by this regulation, you must figure your ceiling price for such package under whichever of the following paragraphs applies:

(a) For packages assembled in cardboard, wooden, or other plain containers, your ceiling price will be the sum of the following, multiplied by 1.05:

(1) Your direct cost of each item included in the package multiplied by 1.40; plus

(2) Your direct cost of the packaging materials, including the container, used for the particular package.

(b) For packages assembled in permanent containers designed and constructed for re-use (including but not limited to trays, cedar boxes, hampers, teakwood chests, and fancy baskets), your ceiling price will be the sum of the following, multiplied by 1.15:

(1) Your direct cost of each item included in the package multiplied by 1.40; plus

(2) Your ceiling price for the container figured under the applicable maximum price regulation. (If you have no ceiling price for the container, you may multiply the direct cost of the container by 1.40); plus

(3) Your direct cost of the packaging materials used for the particular package.

"Direct cost" as used in the above subparagraphs, means your "net cost" for each item subject to this regulation. For items included in the package not otherwise subject to this regulation, it means the lawful amount you paid your supplier less all discounts except the discount for prompt payment, plus all transportation charges you paid.

2. Section 18d is amended to read as follows:

SEC. 18d. *Special allowance for forwarding gift package to a donee in a foreign country.* If you deliver a food package directly upon order of the purchaser to a donee (other than a member of the armed forces of the United States) in a foreign country outside of the North American continent, you may add to your ceiling price an amount not to exceed 50 cents for forwarding such package, plus the actual mailing and insurance charges.

This allowance may be applied only to the shipment and delivery of individual food gift packages and not of wholesale lots.

This amendment shall become effective October 18, 1945.

Issued this 12th day of October 1945.

CHESTER BOWLES,
Administrator.

Approved: October 4, 1945.

J. B. HUTSON,
Under Secretary of Agriculture.

[F. R. Doc. 45-18963; Filed, Oct. 12, 1945;
11:51 a. m.]

¹ 10 F.R. 1505, 2024, 2297, 3814, 5370, 5577, 6235, 6514, 7251, 8015.

¹ 10 F.R. 1523, 2025, 2298, 3814, 5370, 5578, 6235, 6514, 8015.

PART 1390—MACHINERY AND TRANSPORTATION EQUIPMENT

[RMFR 136, Amdt. 17]

MACHINES, PARTS AND INDUSTRIAL EQUIPMENT

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 136 is amended in the following respect:

The following paragraph (n) is added to section 19:

(n) *Fractional horsepower electric motors*—(1) *Definition.* For the purposes of this section, fractional horsepower electric motors are defined as all small electric power motors built in frames and core stacks, smaller than that frame and stack having a continuous rating of 1 H. P., open type, 1700-1750 rpm, and all generators in the corresponding frame size, including electric phonograph motors of all types, 6 volt automobile heater motors, and other motors and generators built in the designated frames and core stacks and included in Appendix A of this regulation but excluding motors and generators (such as toy motors and generators and automotive starter motors and generators) not included in Appendix A of this regulation.

(2) *Maximum prices.* (i) The maximum prices for sales by manufacturers of new and factory rebuilt fractional horsepower electric motors established under sections 7 and 8 shall be increased by 9%. (ii) The maximum prices for sales by manufacturers of new and factory rebuilt fractional horsepower motors, for which the manufacturer had no published list price or established price in effect on the base date, the price for which has been established on October 16, 1945 under the provisions of section 9 (d) shall be increased 9%. (iii) For fractional horsepower motors that have incorporated within or added to the motor frame special features not found on standard motors (including speed reduction gears), the maximum prices shall be increased by the dollars-and-cents amount by which the maximum prices for the standard motor of the same rating are increased under the provisions of the preceding items (i) and (ii).

(3) *Resellers.* Resellers of fractional horsepower motors may increase their maximum prices by the same percentage by which the maximum prices of their suppliers have been increased on sales and deliveries to the resellers under the provisions of this paragraph.

(4) *Notification by resellers who re-sell to purchaser for resale.* Every seller of fractional horsepower motors who sells such motors to purchasers who buy for the purpose of resale shall notify every such purchaser, in writing, of the percentage by which the maximum price to the purchaser has been increased on each such motor.

No. 202—3

This amendment shall become effective October 16, 1945.

Issued this 12th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18959; Filed, Oct. 12, 1945;
11:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMFR 373,¹ Amdt. 39]

SEPARATE TROUSERS AND SLACKS IN HAWAII

A Statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 48 of Revised Maximum Price Regulation 373 is amended as follows:

1. Subparagraph (a) (2) (iv) is amended to read as follows:

(iv) *Separate trousers and slacks.* This classification includes all masculine garments commonly sold as separate trousers, slacks, breeches and swim suits, but does not include work pants.

2. Subparagraph (a) (2) (v) is amended by deleting the words "and swim" therefrom.

3. Subparagraph (d) (3) B. *Men's and Boys' Wear* item 2 is amended by adding at the end thereof the words "swim trunks and shorts".

4. Subparagraph (d) (3) B. *Men's and Boys' Wear* item 3 is amended by deleting the words "swim trunks or shorts".

This amendment shall become effective as of September 24, 1945.

Issued this 12th day of October 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-18962; Filed, Oct. 12, 1945;
11:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMFR 395,² Amdt. 10]

HOUSEHOLD SOAPS IN VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Section 50 is added to read as follows:

SEC. 50. *Maximum prices at retail for certain imported household soaps sold or delivered in the Virgin Islands of the United States*—(a) *Definitions.* When used in this section, the terms:

(1) "Toilet soap" means any bar or cake soap commonly designated as such.

(2) "Packaged soap" means any fine fabric or general laundry soap in the form of chips, flakes, granules, powder or similar forms, or any soapless deter-

¹ 10 F.R. 6646, 7407, 7794, 7799, 8020, 8069, 8371, 8979, 9273, 9274, 9275, 9466, 9540, 9620, 9618, 9882, 9928, 10085, 10086, 10086, 10125, 10086, 10229, 10437, 11399, 11666, 11753, 12086, 12087, 12087.

² 10 F.R. 5941, 6946, 7799, 8069, 8899, 9227, 9925, 11437, 11305.

gents which have the same use and purpose of such soaps.

(b) *Maximum prices.* The maximum retail prices for certain household soaps shall be the applicable prices set forth in Table XXXX.

TABLE XXXX—MAXIMUM PRICES FOR CERTAIN IMPORTED HOUSEHOLD SOAPS

| Item and brand names | Case of— | At wholesale | St. Thomas, St. Croix, St. John ¹ | St. Thomas, St. Croix (per unit) | St. John (per unit) |
|-------------------------|---------------------|--------------|--|----------------------------------|---------------------|
| | | | | | |
| Toilet: | | | | | |
| Camay..... | 144/334 oz. | | \$0.10 | \$0.11 | |
| Cashmere Bouquet..... | 144/334 oz. | | .12 | .13 | |
| Ivory: | | | | | |
| Medium..... | 100/6 oz. | | .10 | .11 | |
| Large..... | 100/10 oz. | | .15 | .16 | |
| Lifebuoy: Regular..... | 100/4 oz. | | .10 | .11 | |
| | 144/334 oz. | | .10 | .11 | |
| Lux: Regular..... | 100/4 oz. | | .10 | .11 | |
| | 144/4 oz. | | .10 | .11 | |
| Palmolive: Regular..... | 144/3 3/4 oz. | | .10 | .11 | |
| Swan: | | | | | |
| Large..... | 50/10 oz. | | .15 | .16 | |
| | 100/10 oz. | | .15 | .16 | |
| Regular..... | 100/7 oz. | | .10 | .11 | |
| Packaged Soap: | | | | | |
| Ivory Flakes..... | 60/5 oz. pkg. | | .13 | .14 | |
| | 24/1 lb. 8 oz. pkg. | | .31 | .32 | |
| Lux Flakes: | | | | | |
| Regular..... | 100/5 oz. pkg. | | .13 | .14 | |
| Large..... | 30/12 1/4 oz. pkg. | | .31 | .32 | |
| | 20/12 1/4 oz. pkg. | | .31 | .32 | |
| Rinso: | | | | | |
| Regular..... | 90/9 oz. pkg. | | .13 | .14 | |
| | 60/9 oz. pkg. | | .13 | .14 | |
| Large..... | 36/1 lb. 8 oz. pkg. | | .31 | .32 | |
| | 24/1 lb. 8 oz. pkg. | | .31 | .32 | |

¹ All prices at wholesale remain subject to MPR 201.

This amendment shall become effective October 17, 1945.

Issued this 12th day of October 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-18961; Filed, Oct. 12, 1945;
11:50 a. m.]

PART 1418—TERRITORIES AND POSSESSIONS

[RMFR 395,² Amdt. 11]

GRAIN AND GRAIN PRODUCTS IN VIRGIN ISLANDS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.

Revised Maximum Price Regulation 395 is amended in the following respects:

1. Table III a. of section 16 is amended to read as follows:

A. MAXIMUM PRICES FOR CERTAIN GRAIN AND GRAIN PRODUCTS

| Commodity | Quantity | Island of St. Croix | Island of St. Thomas | Island of St. John |
|-------------------------|-----------|---------------------|----------------------|--------------------|
| Rice, all types..... | 1 lb.... | \$0.09 | \$0.09 | \$0.10 |
| Cornmeal, imported..... | 1 lb.... | .05 | .05 | .06 |
| | 2 lbs.... | .10 | .10 | .11 |

2. Table III b. of section 16 is amended by adding a new item to read as follows:

B. MAXIMUM PRICES FOR CERTAIN GRAIN AND GRAIN PRODUCTS

| Commodity | Quantity | At whole-sale, St. Croix, St. Thomas | At retail, St. Croix, St. Thomas (per unit) | At retail St. John (per unit) |
|--------------------------------------|-----------------|--------------------------------------|---|-------------------------------|
| Wheat flour, bulk, hard or soft..... | 98 lb. bag..... | (1) | \$0.06 or 2 lbs. for 12¢ | \$0.07 or 2 lbs. for 13¢ |

¹ The maximum wholesale price per bag (of 98 pounds) of hard or soft wheat flour sold in the Islands of St. Croix or St. Thomas shall be the "Direct cost" as defined in Section 12 (a) (6) of this regulation plus a markup of \$0.50, not delivered.

This amendment shall become effective as of October 1, 1945.

Issued this 12th day of October 1945.

JAMES G. ROGERS, Jr.,
Acting Administrator.

[F. R. Doc. 45-18960; Filed, Oct. 12, 1945;
11:50 a. m.]

PART 1499—COMMODITIES AND SERVICES

[SR 14E, Amdt. 12]

COTTON TIRE CORD, TIRE CORD FABRIC, AND CORD BREAKERS

A statement of the considerations involved in the issuance of this amendment has been issued simultaneously herewith and filed with the Division of the Federal Register.

Section 2.11 is added to read as follows:

SEC. 2.11. Maximum prices for cotton tire cord, tire cord fabric, and cord breakers—(a) Definitions—(1) "Cotton tire cord" means a cord (generally referred to in the trade either as hawser cord or cable cord) constructed from two or more plied cotton yarns which have been twisted together and wound on cones, tubes or other standard put-up.

(2) "Tire cord fabric" means a woven fabric consisting of cotton tire cord in the warp and having 19 or more ends and less than 5 picks per inch.

(3) "Cord breaker fabric" means a woven fabric consisting of cotton tire cord in the warp and having 18 or less ends and/or 5 or more picks per inch.

(4) "Standard carded peeler grade" and "extra staple grade" means the two grades of cotton tire cord, tire cord fabric and cord breaker fabric described by those terms in individual purchasers' specifications and customarily sold under those names.

(b) Cotton content. The prices in paragraph (c) are for cotton tire cord, tire cord fabric and cord breaker fabric manufactured from cotton of such grade, not inferior to strict low middling (white), and of such staple length as may be required by the individual manufacturer to produce a clean uniform cord or fabric possessing a tensile strength and other requirements sufficient to meet the specifications of the individual purchaser.

(c) Maximum prices. (1) Producers' maximum prices for cotton tire cord and

tire cord fabric of the following constructions shall be:

| Construction | Standard carded peeler grade | Extra staple grade |
|--------------|------------------------------|--------------------|
| | Cents per lb. | Cents per lb. |
| 23/5/3..... | 53.25 | 60.25 |
| 23/4/3..... | 54.25 | 61.25 |
| 23/3/3..... | 56.25 | 63.25 |
| 18/3/3..... | 53.25 | 60.25 |
| 17/5/3..... | 51.75 | 58.75 |
| 17/3/3..... | 53.25 | 60.25 |
| 16/4/3..... | 52.25 | 59.25 |
| 15/4/2..... | 51.75 | 58.75 |
| 15/3/3..... | 51.25 | 58.25 |
| 15/2/3..... | 54.75 | 61.75 |
| 14/4/2..... | 51.25 | 58.25 |
| 14/3/3..... | 51.25 | 58.25 |
| 14/2/2..... | 54.25 | 61.25 |
| 13/3/3..... | 50.25 | 57.25 |
| 13/2/2..... | 53.25 | 60.25 |
| 12/4/2..... | 50.25 | 57.25 |
| 11/2/3..... | 53.25 | 60.25 |
| 10/2/2..... | 51.25 | 58.25 |
| 9/2/3..... | 49.25 | 56.25 |
| 7/2/2..... | 49.25 | 56.25 |
| 7/8/3..... | 48.25 | 55.25 |

(2) Producers' maximum prices for cord breaker fabric shall be the price for the cotton tire cord construction of which it is composed plus 2½¢ per pound.

(3) The maximum prices set forth in this paragraph (c) are net, f. o. b. the producers' shipping point.

(d) Collections pursuant to adjustable pricing authorization. Producers of cotton tire cord, tire cord fabric and cord breaker fabric are authorized to collect, in connection with deliveries made pursuant to contracts entered into between June 21, 1945 and October 12, 1945, inclusive, (but only if they reserved that right), the difference between the maximum price prevailing on June 1, 1945 and the applicable maximum price set forth in paragraph (c) above. The amount which may be collected is limited, however, as follows:

(1) In the case of deliveries made pursuant to contracts entered into between June 21, 1945 and August 6, 1945, inclusive, to 4%; and

(2) In the case of deliveries pursuant to contracts entered into between August 7, 1945 and October 12, 1945 to 5%.

In the case of deliveries made pursuant to contracts entered into prior to June 21, 1945, collection of more than the maximum price then prevailing is prohibited, notwithstanding the lawful reservation of that right.

This amendment shall become effective October 12, 1945.

Issued this 12th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18968; Filed, Oct. 12, 1945;
11:52 a. m.]

Chapter XXI—Office of War Mobilization and Reconversion

DIRECTIVE ESTABLISHING OFFICE OF STABILIZATION ADMINISTRATOR

There is hereby established, within the Office of War Mobilization and Reconversion, the office of Stabilization Administrator. The Stabilization Administrator shall report to the Director of War Mobilization and Reconversion. The functions and authority formerly vested in the Director of Economic Stabilization, and transferred to the Director of War Mobilization and Reconversion by Executive Order No. 9620 of September 20, 1945 (10 F.R. 12033), are hereby delegated to the Stabilization Administrator.

This supersedes Operating Memorandum No. 6 dated September 24, 1945.

Judge John C. Collet has been appointed Stabilization Administrator.

JOHN W. SNYDER,
Director.

Approved: October 12, 1945.

HARRY S. TRUMAN,
The White House.

[F. R. Doc. 45-18958; Filed, Oct. 12, 1945;
11:59 a. m.]

Chapter XXIII—Surplus Property Administration

[SPA Reg. 5]

PART 8305—SURPLUS NONINDUSTRIAL REAL PROPERTY

Surplus Property Board Regulation 5, May 21, 1945, as amended to July 25, 1945, entitled "Surplus Nonindustrial Real Property," (10 F.R. 6252, 7500, 9478) is hereby revised and amended as herein set forth as Surplus Property Administration Regulation 5. New matter is indicated by underscoring. Order 1, September 18, 1945 (10 F.R. 12070) and Order 2, October 3, 1945 (10 F.R. 12735), under this part, shall remain in full force and effect.

Sec.

8305.2 Definitions.

8305.3 Scope.

8305.4 Declarations.

8305.5 Communications after notice of transmittal.

8305.6 Withdrawals.

8305.7 Disposal of leasehold interests and improvements by owning agency.

8305.8 Permit or order use.

8305.9 Easements having no commercial value.

8305.10 Duties of owning and disposal agencies.

8305.11 Priorities.

8305.12 Disposal methods and principles.

8305.13 Records and reports.

8305.14 Regulations by agencies to be reported to the Administrator.

Exhibit A—Notice of sale.

Exhibit B—Government agencies to be given notice of impending disposal by mail.

Exhibit C—Priority chart.

AUTHORITY: §§ 8305.2 to 8305.14 inclusive, issued under Surplus Property Act of 1944, 58 Stat. 765, 50 U.S.C. App. Sup. 1611, and under Pub. Law 181, 79th Cong., 1st Sess.

§ 8305.1 [Deleted Oct. 9, 1945.]

¹ 10 F.R. 1183, 2014, 4156, 7117, 7497, 7667, 9337, 9540, 9963, 10021, 11401.

§ 8305.2 *Definitions.* (a) "Act" means the Surplus Property Act of 1944 (58 Stat. 765; 50 U.S.C. App. Sup. 1611).

(b) "Administrator" means the Surplus Property Administrator.

(c) "Care and handling" includes completing, repairing, converting, rehabilitating, operating, maintaining, preserving, protecting, insuring, storing, packing, handling, and transporting, and, in the case of property which is dangerous to public health or safety, destroying, or rendering innocuous, such property.

(d) "Continental United States" means the 48 states and the District of Columbia.

(e) "Disposal agency" means any Government agency designated pursuant to the act to dispose of one or more classes of surplus property.

(f) "Former owner" means the person from whom the real property was acquired by the Government.

(g) "Government agency" means any executive department, board, bureau, commission, or other agency in the executive branch of the Federal Government, or any corporation wholly owned (either directly or through one or more corporations) by the United States.

(h) "Nonprofit institution" means any scientific, literary, educational, public-health, public-welfare, charitable, or eleemosynary institution, any hospital or similar institution, and any volunteer fire company, (1) which is supported in whole or in part through the use of funds derived from taxation by the United States, its territories or possessions, or by any State or political subdivision thereof, or (2) which is exempt from taxation under section 101 (6) of the Internal Revenue Code.

(i) "Offer" means a written offer to purchase surplus real property or a written application by a Government agency or a State or local government requesting that such property be held for disposal to it.

(j) "Owner-operator" means a person who will personally operate and cultivate agricultural land to earn a livelihood rather than lease it to a tenant.

(k) "Owning agency" means the executive department, the independent agency in the executive branch of the Federal Government, or the corporation (if a Government agency), having control of property otherwise than solely as a disposal agency.

(l) "Person" means any individual, corporation, partnership, firm, association, trust, estate, or other entity.

(m) "Priority" means the right of a person, subject to stated conditions and limitations, to purchase surplus real property to the exclusion of other persons.

(n) "Real property" means any interest, owned by the United States or any Government agency, in land, together with any fixtures or improvements thereon, of any kind, wherever located, but does not include the public domain, or such lands withdrawn or reserved from the public domain as the Surplus Property Administrator determines are suitable for return to the public domain for disposition under the general land laws.

It is not limited to the definition thereof as contained in section 23 of the act.

(o) "Section 23 real property" means property consisting of land, together with any fixtures and improvements thereon, located outside of the District of Columbia, but does not include war housing, industrial plants, factories, or similar structures and facilities, or the sites thereof, or land which the Administrator determines is essential to the use of any of the foregoing.

(p) "State or local government" means any State, territory or possession of the United States, the District of Columbia, and any political subdivision or instrumentality thereof.

(q) "Surplus property" means any property which has been determined to be surplus to the needs and responsibilities of the owning agency in accordance with the act.

(r) "Veteran" means any person who served in the active military or naval service of the United States during the present war, or any person who served in the active military or naval service of the United States on or after September 16, 1940, and prior to the termination of the present war, and who has been discharged or released therefrom under honorable conditions.

§ 8305.3 *Scope.* This part applies to surplus real property of all kinds and classes located within the continental United States, its territories and possessions, except industrial real property, airports, harbors, shipyards, port terminals and power transmission lines. It contains all the policies, procedures and rules prescribed by the Administrator with respect to such surplus real property except for the designation of disposal agencies and provisions for declarations to be found in Part 8301.¹

§ 8305.4 *Declarations.* As provided in § 8301.13² of this chapter declarations of all surplus real property (whether or not section 23 real property) shall be filed with the Administrator on form SPB 5.³ The Administrator will transmit two copies of the declaration to the appropriate disposal agency, and will notify the owning agency thereof.

§ 8305.5 *Communications after notice of transmittal.* After the owning agency receives notice of the transmittal to a disposal agency of a declaration of surplus real property, communications of the owning agency with respect to such property shall be addressed to the disposal agency, except where communication with the Administrator is required hereunder.

§ 8305.6 *Withdrawals.* If the owning agency wishes to withdraw surplus real property before it has received notice of the transmittal of the declaration to the disposal agency, it may do so by filing form SPB-5 with and obtaining the con-

sent of the Administrator. After the owning agency has received notice of such transmittal, it may withdraw such property only with the consent of the disposal agency as provided in § 8301.16⁴ of this chapter. If such withdrawal is permitted, the disposal agency shall immediately send to the Administrator a copy of the withdrawal form filed by the owning agency and a statement that the disposal agency consents to the withdrawal.

§ 8305.7 *Disposal of leasehold interests and improvements by owning agency—(a) Leaseholds.* A Government agency owning a leasehold interest or similar right of occupancy which is no longer needed by such agency but which is needed by another Government agency shall, unless prohibited by the terms of the lease or other instrument under which the interest was acquired, transfer such interest directly to such other agency without declaring it surplus. Any such transfer shall be at the market value, unless transfers without reimbursement are authorized by law, and may be conditioned upon the transferee agency assuming all or any obligations incurred by the transferor agency in connection with the interest transferred. The owning agency shall take reasonable steps to ascertain the needs of Government agencies for such interests, and to this end may utilize the facilities of the Public Buildings Administration of the Federal Works Agency. If such leasehold or other interest is not claimed by any Government agency within a reasonable time and the owning agency has the legal right to cancel, such lease or interest shall be cancelled without declaring it surplus.

(b) *Improvements.* Where an owning agency no longer needs improvements located on Government-owned land which has not been declared surplus, or on non-Government-owned land leased or occupied by such agency with or without an obligation to restore the premises, such owning agency may dispose of such improvements by any one or more of the following methods:

(1) By transfer to the lessor or owner of the premises in full or partial satisfaction of any obligation to restore the premises, provided the lessor or owner shall pay for any excess value;

(2) By disposition in accordance with previous contractual commitments;

(3) By sale intact;

(4) By demolition contract let only on competitive bid, whereby title to the improvements passes to the contractor in consideration of his demolition of the improvements or restoration of the premises.

Such disposals shall be for a consideration that is fair and reasonable under all the circumstances. In all cases an estimate shall be made prior to disposal of both the current market value of the improvements in place and their salvage value.

§ 8305.8 *Permit or order use.* When a Government agency utilizing Government-owned real property under some

¹ SPB Reg. 1, as amended, (10 F.R. 3764, 4356, 10398).

² § 8301.13 of SPB Reg. 1, as amended (10 F.R. 3764, 4356).

³ Form SPB-5 prescribed in Revised Order No. 3 under SPB Reg. 1 (10 F.R. 12451).

⁴ § 8301.16 of SPB Reg. 1, as amended (10 F.R. 3764, 4356, 10398).

form of arrangement with another Government agency having primary jurisdiction over the property no longer needs the property, such real property and any interest therein shall be returned to the agency having primary jurisdiction over the property in accordance with the arrangement between such agencies, except where the property has been substantially improved while being so utilized. In this latter event the agency utilizing the property shall make a report of the facts to the Administrator for its determination as to how the interests of the Government will be best subserved.

§ 8305.9 *Easements having no commercial value.* Any Government agency may, with or without consideration, dispose of an easement to the owner of the land subject to the easement when such agency shall determine that the easement has no commercial value and is no longer needed; *Provided*, That, when any such easement shall have been acquired for a substantial consideration such disposal shall be made only for a reasonable value, taking into consideration any portion of the purchase price paid for severance damages.

§ 8305.10 *Duties of owning and disposal agencies—(a) General.* Upon receipt by a disposal agency of a declaration, it shall undertake immediately to dispose of the property covered by the declaration in accordance with the requirements of the act and of this part.

(b) *Care and handling.* When any surplus real property is assigned to a disposal agency, the disposal agency shall have responsibility for the care and handling of such property pending its disposition, except to the extent that such responsibility has been or may be postponed by the Administrator pursuant to the authority vested in it by section 11 (d) of the act.¹ In discharge of this responsibility the disposal agency shall, upon receipt of a declaration of surplus real property, immediately contact the owning agency to work out mutually satisfactory arrangements for the disposal agency's assumption of the custody and control of, and accountability for, the property covered by such declaration. Such assumption shall be completed within sixty (60) days after the disposal agency receives the declaration, unless additional time is allowed by the Administrator. Pending the assumption of custody and control of the property by the disposal agency, the owning agency may lease the property at the current market rental or issue temporary occupancy permits to other Federal agencies. Such leases or permits shall be revocable at the will of either the owning or disposal agency (according to which has custody or control of the property), and administration of the same shall be transferred to the disposal agency at the time it assumes custody and control of and accountability for the property.

(c) *Improvements.* Disposal agencies shall make repairs necessary for the preservation and maintenance of the property, but no funds shall be expended

by disposal agencies for improvement of real property declared to them as surplus or for the erection of structures thereon unless such expenditures are authorized by the Administrator.

(d) *Transfer of title papers, documents, etc.* Upon request of the disposal agency, the owning agency shall immediately supply the disposal agency with the originals or true copies of all information and documents pertaining to the surplus real property in the possession of the owning agency and copies of which have not been filed with the declaration. These shall include appraisal reports, abstracts of titles, tax receipts, deeds, affidavits of title, copies of judgment in condemnation proceedings and all other title papers relating to the property. All such papers and documents which may still be needed by the owning agency shall be returned to it as soon as the needs of the disposal agency have been satisfied. The disposal agency may transfer to the purchaser of surplus real property, as a part of the disposal transaction, any abstract of title which relates to the property being transferred and which is no longer needed either by the owning or the disposal agency. The terms upon which such transfer shall be made may be fixed by the disposal agency.

§ 8305.11 *Priorities—(a) Order of priority.* In disposing of surplus real property, disposal agencies shall recognize the following priorities:

(1) Government agencies shall be accorded first priority to acquire all classes of surplus real property for their use; *Provided*, That Smaller War Plants Corporation shall have such priority to acquire any such surplus property for its use and for resale as provided in section 18 (e) of the Surplus Property Act of 1944.

(2) State or local governments shall be accorded second priority as to all classes of surplus real property. Any State or local government which has lost a highway or street over surplus section 23 real property because of Government acquisition or action shall be accorded a special priority, prior to all other State or local governments, to permit it to re-establish such highway or street. This right shall extend to the original right-of-way and any new or additional rights-of-way needed to re-establish the street or highway on a new or more adequate location.

(3) A former owner shall be accorded third priority as to any surplus section 23 real property acquired from him by any Government agency after December 31, 1939. This priority shall relate to property which is substantially the identical tract acquired by the Government from the owner. If this tract is not available to the former owner or is not desired by him because it is no longer suitable for the purpose for which it was used when acquired by the Government, he may be offered substitute property. Such substitute property shall be in the same area, be classified as suitable for the use for which the original tract was used when acquired and otherwise be

similar to the original tract. With respect to any substitute property thus made available to him the former owner shall be accorded a priority subordinate only to the priorities of Government agencies, State or local governments, a former owner or a tenant of a former owner of the substitute property. Acquisition of a substitute tract shall extinguish the priority of the former owner with respect to the original tract.

(4) A tenant of a former owner, who was in possession of agricultural section 23 real property at the time the same was acquired by any Government agency after December 31, 1939, shall be accorded fourth priority with respect to substantially the same property occupied by him as tenant at the time of such acquisition.

(5) A veteran, and the spouse and children (in that order) of a person who died while in the active military or naval service of the United States on or after September 16, 1940, shall be accorded a priority as to all surplus section 23 real property classified by the Administrator as suitable for agricultural, residential or small business purposes. This priority shall be subordinated to all the priorities described in subparagraphs (1) through (4) of this paragraph.

(6) Owner-operators shall be accorded a priority with respect to all surplus section 23 real property classified by the Administrator as suitable for agricultural use. This priority shall be subordinate to the priorities described in subparagraphs (1) through (5) of this paragraph.

(7) Nonprofit institutions shall be accorded a priority with respect to all surplus real property. This priority shall be subordinate to the priorities described in subparagraphs (1) through (6) of this paragraph.

(b) *Extent of priorities.* The priorities of Government agencies, State or local governments and nonprofit institutions are continuing priorities which are not exhausted because of their effective exercise with respect to a given piece of property. The priority of a veteran, the spouse and children of a deceased serviceman, or an owner-operator ceases to exist after it has once been effectively exercised with respect to one appropriate unit. The priority of a former owner or tenant is limited to the particular property as described in paragraph (a) (3) and (4) of this section.

(c) *Transfer of priorities and transmission on death.* No assignment or transfer of a priority shall be recognized, but the priority of a former owner may be exercised through an agent duly authorized in writing where the priority holder is so situated that he cannot exercise it in person. Upon the death of a veteran or former owner his spouse or children (in that order) shall succeed to his priority rights. The priority right of a tenant shall be extinguished by his death.

(d) *Time and method of exercise.* The time for exercise of priorities shall be a period of ninety (90) days after the date given in the notice required by § 8305.12 (c) (2), or such additional period as the

¹ See SPB Special Order No. 5 (10 F.R. 5162).

² For an aid in ascertaining priorities and their order see priority chart in Exhibit C.

Administrator may allow when necessary or appropriate to facilitate a sale of the property to a former owner entitled to priority. Within such period the priority holder shall indicate an intention to exercise the priority by submitting to the disposal agency a written offer to purchase, accompanied by such deposit as the disposal agency may require. When, however, an offer cannot be made because the disposal agency lacks necessary information on price, units or other matters, it shall be sufficient if the priority holder files a written statement of his desire to acquire the property of one or more appropriate units thereof. As soon as the necessary information becomes available (whether during or after the priority period or any extension thereof), those who have filed such statements shall be so advised and given an opportunity to make an offer. Veterans, the spouse and children of deceased servicemen, and owner-operators may offer to purchase any or all units offered for sale. The offer of a Government agency or of a State or local government shall be in the form of a written application in duplicate requesting that the property be held for disposal to it. Such application shall state the price that applicant is willing to pay for the property or that a transfer without reimbursement or transfer of funds is authorized by law, and give all pertinent facts pertaining to the applicant's need for the property. If the applicant shall require time to acquire funds or authority to take the property without reimbursement or transfer of funds, it shall so state and indicate the length of time needed for that purpose. Upon receipt of an application with such a statement the disposal agency shall forward a copy of the same to the Administrator. The Administrator will review the application and determine what time (if any) shall be allowed applicant to conclude the acquisition of the property and will advise the disposal agency and the applicant of such determination. During the time thus allowed the property may not be disposed of unless the priority period has expired and applicant's price (where it is seeking to acquire the property on a reimbursable basis) is less than the maximum price it may be charged and a higher price has been offered by another person.

(e) *Failure to offer full amount or to exercise in time.* Priorities of Government agencies and State or local governments shall not expire because they are not exercised within the priority period, but an offer by such a priority holder made after the expiration of the priority period shall be disregarded if a contract to sell the property to another has previously been entered into. Priorities of all others not exercised during the priority period shall expire upon the termination of such period and the disposal agency shall certify that it has complied with the requirements of § 8305.12 (c) (2) and (3) and, if such is the case, that no person has attempted during the priority period to exercise the priority of a former owner, a tenant, a veteran or the spouse and children of a deceased serviceman. A certified copy of

such certification shall be given to any purchaser of the property at the time of transfer. The disposal agency may in its discretion permit veterans, or the spouse and children of deceased servicemen, or owner-operators to make offers after the priority period and be considered on the same basis as if they had exercised their priority during the priority period, but such action on the part of a disposal agency shall not be regarded as extending the priority period. An offer to purchase at a price below the maximum which the offeror may be charged will preserve the offeror's priority status only as against lower priority or non-priority offerors who do not offer a higher price and priority offerors in the same priority group who offer the same or a lower price.

§ 8305.12 *Disposal methods and principles—(a) Descriptions, surveys and subdivisions.* The disposal agency shall obtain the full and correct legal description of the property to be disposed of and take the steps necessary to determine its exact location and area. Surveys shall be made, when necessary, and markers or monuments placed upon the ground. For disposal to others than Government agencies, State or local governments, former owners or tenants, surplus section 23 real property shall be subdivided by the disposal agency into appropriate units for disposal. Section 23 real property classified as suitable for agricultural use shall be subdivided by the disposal agency into economic family-size units wherever practicable. The size of such units may vary according to the conditions and farming practices in the locality where the land is situated. Section 23 real property not classified as suitable for agricultural use shall be subdivided into such units as seem suitable in view of the character of the property, the use or uses to which it may be put and the possibilities of giving veterans and those who will use the property personally a fair opportunity to acquire and advantageously utilize the property. Plans for such subdividing shall be developed immediately after the disposal agency receives the declaration of surplus. The actual work of subdividing shall be carried forward as rapidly as practicable in view of all the circumstances, with effort made to complete the task at the earliest possible date after the expiration of the priority period. Subdivision may be delayed if it appears that the property will be absorbed by the priorities of Government agencies, State or local governments, former owners or tenants.

(b) *Evaluation and appraisal.* All surplus real property shall be valued at its current market value. This value is the highest price the property will bring in terms of money if offered for sale in the open market with reasonable time to find a purchaser buying with knowledge of the uses and purposes to which it is adapted and for which it is capable of being used. To determine such value the disposal agency shall have the property appraised by experienced and qualified appraisers familiar with the types of property to be appraised by them. They may be staff appraisers of the disposal agency, individuals employed on a loan reimbursable basis from other Federal

agencies or independent appraisers in private business. All appraisal reports shall contain the appraiser's certificate that he has no interest, direct or indirect, in the property or sale or disposition thereof.

(c) *Notice and advertisement—(1) Wide publicity.* The disposal agency shall avail itself of all suitable means to give wide publicity to the availability for disposal of surplus real property.

(2) *Publication of notice.* Upon receipt of a declaration of surplus real property the disposal agency shall promptly and widely publicize the same, giving information adequate to inform interested persons of the general nature of the property and its possible uses. Such publicity shall be by public advertising, and may also include press releases, display advertisements, and any other appropriate means which it is customary to use for advertising notices of sale. Such public advertising shall consist of a sale notice containing substantially the matters set forth in Exhibit A and shall be published at least three (3) times during the ninety (90) days following the date such notice is first published at approximate intervals of twenty-one (21) days.

(3) *Notice by mail.* At the time of the first publication of the notice required by subparagraph (2) of this paragraph the disposal agency shall also send a copy of the notice by mail to all Government agencies listed in Exhibit B, to the State and the political subdivision in which the property is located, and to the former owner when he is entitled to priority. The notice to the former owner shall be sent by registered mail to his last known address with return receipt requested.

(4) *Additional notice.* A disposal agency which has decided to accept offers after the priority period from veterans and the spouse and children of deceased servicemen and owner-operators who have not exercised their priority during such period, may give such additional notice to such persons as the disposal agency shall deem proper.

(d) *Information available to purchasers.* Within thirty (30) days after notice is first published as required by paragraph (c) of this section, or as soon thereafter as possible, every effort shall be made to have available in the office of the officer having charge of the disposal all necessary information concerning the property. This shall include the appraised value of the property, the unit sizes in which the property will be sold to various classes of purchasers, the priorities and the time and method of exercising them, the maximum prices which may be charged different priority buyers (see paragraph (h) of this section) and all other terms and conditions of sale. Any person shall be entitled, upon request, to receive such information or have access thereto at all reasonable times, as well as information concerning offers, exercises of priorities and sales that have been made at the time of the inquiry.

(e) *Offers.* During the priority period the disposal agency shall receive offers from priority and nonpriority buyers; but no offers shall be accepted during the priority period, except when an immediate transfer is requested by a Government agency for war purposes and such transfer is approved by the Administrator. Offers shall specify what price the buyer is willing to pay, and shall be upon forms prescribed by the disposal agency.

(f) *Terms and conditions of disposal.* Disposals shall be made upon such terms and conditions as may be necessary to protect the interests of the Government and carry out the requirements of this part. No credit shall be extended by the disposal agency in its capacity as such, except in cooperation with Smaller War Plants Corporation to facilitate sales to small business concerns.

(g) *Form of transfer.* Unless otherwise authorized by the Administrator, the sale or transfer shall be of the full interest of the Government. Disposal agencies may, however, lease the property to place it in productive use pending ultimate disposition, provided that such leases shall be revocable at the election of the disposal agency. Deeds or instruments of transfer (other than leases) shall be in the form approved by the Attorney General. Transfers shall be by quitclaim deed unless the disposal agency finds that a warranty deed is necessary to obtain a reasonable price for the property or to render the title marketable and the use of such a deed is recommended and approved by the Attorney General as provided in the act.

(h) *Prices; donations.*—(1) *General requirements.* The purchasers mentioned in subparagraphs (2), (3), (4) and (5) of this paragraph shall in no event be charged more than the prices at which they are entitled to purchase under the provisions of such subparagraphs. On sales or disposals to all others it shall be the duty of the disposal agency to obtain the highest competitive price actually obtainable. No sale or disposal shall be made at a price which is more than twenty-five (25) per centum below the current market value until such sale or disposal has been reviewed and approved by the Administrator, unless that price is the maximum price which may be charged the purchaser.

(2) *Former owner and tenant.* Persons purchasing surplus real property pursuant to the priority of a former owner or tenant of a former owner shall be entitled to purchase at the lower of (i) the current market value or (ii) the price for which the property was acquired by the Government adjusted to reflect any increase or decrease in the value of such property resulting from action by the United States.

(3) *Government agencies, State or local governments, nonprofit institutions and owner-operators.* Government agencies, State or local governments, nonprofit institutions, and owner-operators shall be entitled to acquire surplus real property at a price not to exceed the current market value. State or local governments purchasing rights-of-way

for highways and streets, pursuant to the priority provided for in § 8305.11 (a) (2) shall be entitled to purchase the same at a rate of compensation not exceeding that paid for it by the Government. Government agencies shall be entitled to acquire property without charge where a transfer without reimbursement or transfer of funds is authorized by law.¹

(4) *Veterans.* Veterans and the spouse and children of deceased servicemen shall be entitled to purchase surplus real property at a price not to exceed a unit price fixed by the disposal agency after taking into consideration the current market value, the character of the property, and, if income-producing, the estimated earning capacity thereof.

(5) *Disposals for educational or health purposes.* State or local governments or nonprofit institutions seeking to acquire surplus real property for educational use or to promote or protect the public health shall be entitled to acquire such property at the current market value less any discount which the Administrator may allow because of the benefit which has accrued or may accrue to the United States by such use. Applications for such discounts shall be filed with the Administrator and shall show the ways in which and the extent to which the United States will be benefited by the proposed use. Each such application shall be accompanied by a certificate under oath by an authorized official of the buyer that the buyer is a State or local government or that it is a nonprofit institution as defined in § 8305.2 (h), and that the property is being acquired solely for educational or health purposes. The certificate also shall set forth how the property will be employed for educational or health purposes and to what extent and such further information as will aid the Administrator in determining to what extent the United States will be benefited by the proposed use of the property. After considering the application, and any additional evidence it may deem appropriate, the Administrator will notify the applicant of his action on the application and will certify to the disposal agency the amount of any discount which may be granted. The Administrator may authorize any such disposal to be made upon such conditions as it may deem expedient, including provisions for the reversion of such property to the United States if the buyer ceases to use it for educational or health purposes.

(6) *Donations.* Surplus real property may be donated only to government agencies, State or local governments or nonprofit institutions organized and operated for educational or charitable purposes and only when the disposal agency finds that the property either (i) has no commercial value or (ii) that the cost of its care and handling and disposition would exceed the estimated proceeds.

Before making any donation, however, the disposal agency shall in all cases obtain the prior approval of the Administrator. To obtain such approval the disposal agency shall submit to the Admin-

istrator a copy of its findings, together with any supporting evidence and a full description of any donation that may be proposed.

(i) *Acceptance of offers.* Upon the expiration of the priority period designated in § 8305.11 (d) the disposal agency shall proceed with the acceptance of offers, except to the extent that delay is necessary to obtain offers from priority holders who filed statements of their desire to purchase during the priority period. Offers from priority holders at their respective maximum prices shall be accepted in the order of their priority. An offer at a price below the maximum price of the offeror shall be accepted according to the priority order of the offeror only if there is no other offer at a higher price. If there are several acceptable offers at the same price from offerors in the same priority group, the offer to be accepted from that group shall be selected as provided in paragraph (k) of this section. If offers have been received from persons having no priority and there is no acceptable offer from a person holding a priority, only the highest of such offers may be accepted by the disposal agency. If there are several acceptable nonpriority offers at the same price, the one to be accepted shall be selected by lot. Disposal agencies may reject any offer which is for a price below the current market value other than an offer from a priority holder for the maximum price which can be charged the offeror. When a veteran, the spouse and children of a deceased serviceman or an owner-operator shall have made offers for more than one unit, only one of the offers of such offeror shall be accepted.

(j) *Proof of priority status.* Before a disposal agency shall dispose of surplus real property on the basis of the priority claimed by the offeror, it shall require satisfactory proof of the priority status, identity or authority of the person making the offer.

(k) *Selection of offers from among same priority group.* If equal offers are received for the same property during the priority period from two or more offerors of the same priority group, the offer which shall be accepted shall be selected in accordance with subparagraphs (1) and (2) of this paragraph.

(1) In the case of Government agencies, State or local governments or nonprofit institutions the selection shall be determined on the basis of need. If the matter cannot be determined by agreement between the claimants, the disposal agency shall report the matter in writing to the Administrator, setting forth the names of the competing claimants, a summary of their respective claims, a description of the property involved, and the recommendations, if any, of the disposal agency, together with any statements in writing which the claimants or any of them may wish to file with the Administrator. The Administrator shall review the matter and report his determination to the disposal agency. The Administrator's determination shall be final for all purposes.

(2) With respect to all other priority groups the selection shall be made by lot. Drawings shall be conducted openly and fairly. If a veteran, the spouse and chil-

¹ See SPB Rev. Reg. 2, § 8302.6.

dren of a deceased serviceman or an owner-operator is selected for more than one unit, he shall elect in writing which one he shall take and thereupon the right to purchase the remaining unit or units of property shall go to the remaining applicants in the particular priority group in the order in which their names are drawn.

(l) *Notice to unsuccessful bidders; nonperformance by successful bidder.* When an offer for surplus real property has been accepted, the disposal agency shall notify the unsuccessful bidders of such acceptance and return their deposits to them. If performance of the contract of the successful bidder is not completed, or if a Government agency or State or local government fails to complete its acquisition of the property after having it held for the time allowed by the Administrator, the disposal agency shall promptly notify by mail all those who made unsuccessful offers during the priority period or any time allowed thereafter that if they renew their offers within fifteen (15) days from the date of mailing of the notice they will be reconsidered on the same basis on which they would have been considered had the offer accepted not been received in the first instance.

(m) *Absence of acceptable offers; methods of sale.* If no acceptable offer is received during the priority period or none results from a statement filed during the priority period, or if no acceptable offer is renewed after the giving of notice under the circumstances provided for in paragraph (l) of this section, the disposal agency shall proceed to dispose of the property by negotiated sale, auction or other suitable method. Such disposals shall be subject to the price restrictions of paragraph (h) (1) of this section.

(n) *Disposal of improvements.* Whenever practicable, disposal agencies shall dispose of improvements and fixtures with the land. If this is not practicable, disposal agencies shall dispose of the improvements or fixtures separately from the land. Demolition contracts whereby title to the improvements or fixtures passes to the contractor in consideration of his restoration of the premises or demolition of the improvements shall be let only on open competitive bid. Copies of all specifications, bids, abstracts of bids and awards used or issued in connection with such contracts shall be filed with the Administrator.

§ 8305.13 *Records and reports.* Owning and disposal agencies shall prepare and maintain such records as will show full compliance with the provisions of this part as to each disposal transaction. The information in such records shall be available at all reasonable times for public inspection. Reports shall be prepared and filed with the Surplus Property Administrator in such manner as may be specified by orders issued under this part, subject to the approval

of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

§ 8305.14 *Regulations by agencies to be reported to the Administrator.* Each owning agency and each disposal agency shall file with the Administrator copies of all regulations, orders and instructions of general applicability which it may issue in furtherance of the provisions, or any of them, of this part.

This revision of this part shall become effective October 9, 1945.

W. STUART SYMINGTON,
Administrator.

OCTOBER 9, 1945.

EXHIBIT A

INSTRUCTIONS: The matters set forth herein are required to be included in all notices. Other matters may be added, and the typography and headings may be varied, to the extent that the disposal agency deems it desirable. The priority period given in the notice should be modified to the extent necessary to allow for any extensions.

NOTICE OF SALE

Surplus Government Real Property

The _____ hereby gives
(name of disposal agency)

notice that it now has available for disposal, under the Surplus Property Act of 1944 and Regulation No. 5 of the Surplus Property Administrator, the following real property which has been declared surplus by the Government:

(Here give general description including improvements and location. Full legal description need not be included.)

Terms and conditions of sale and all necessary information concerning the property and the method of exercising priorities and submitting offers will be available on and after

_____ (here give date not more than thirty (30) days after notice is first published)

at the office of _____
located at _____
Office hours are _____ to _____

Priorities. The property is subject to the following priorities in the order indicated:

(Here list priorities in their appropriate order. Priority chart in Exhibit C will be helpful in preparing this list.)

Priority period. The time for exercising priorities shall be a period of ninety (90) days commencing on _____

(specify date on which notice is first published)

and ending on _____
Persons not having a priority may also make offers during this period.

(Signature of officer authorized to conduct disposal)

EXHIBIT B

Government agencies to be given notice of impending disposal by mail:

Department of State.
Department of the Treasury.
Department of War.
Department of Justice.
Post Office Department.
Department of the Navy.
Department of the Interior.
Department of Agriculture.
Department of Commerce.
Reconstruction Finance Corporation.
Department of Labor.
Federal Communications Commission.
Federal Power Commission.
U. S. Maritime Commission.
National Housing Agency.
Tennessee Valley Authority.
Veterans' Administration.
Office of Scientific Research and Development.
Smaller War Plants Corporation.
The mail address of these agencies is Washington 25, D. C.

EXHIBIT C—PRIORITY CHART

| Type or class of priority holder | Type or class of property | | | | | | |
|--|-------------------------------------|--|--------------------------------|--------------|--|--------------------------------|--------------|
| | Other than section 23 real property | Section 23 real property ¹ | | | | | |
| | | Acquired before Dec. 31, 1939 | | | Acquired after Dec. 31, 1939 | | |
| | | Other than agricultural, residential or small business | Residential and small business | Agricultural | Other than agricultural, residential or small business | Residential and small business | Agricultural |
| Government agencies..... | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| State or local governments ² | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Former owner taking identical tract..... | None | None | None | None | 3 | 3 | 3 |
| Tenant of former owner..... | None | None | None | None | None | None | 4 |
| Former owner taking substitute tract ³ | None | 3 | 3 | 3 | 4 | 4 | 5 |
| Veterans and spouse and children of deceased serviceman..... | None | None | 4 | 4 | None | 5 | 6 |
| Owner-operators..... | None | None | None | 5 | None | None | 7 |
| Nonprofit institutions..... | 3 | 4 | 5 | 6 | 5 | 6 | 8 |

¹ A State or local government, which has lost a highway or street over surplus section 23 real property because of Government acquisition and action, has a special priority, ahead of all other State or local governments, to permit it to re-establish such highway or street. This right extends to the original rights-of-way and any new or additional rights-of-way needed to re-establish the street or highway on a new or more adequate location.

² This priority depends on the discretion of the disposal agency.

³ Section 23 real property means property consisting of land, together with any fixtures and improvements thereon, located outside of the District of Columbia, but does not include war housing, industrial plants, factories, or similar structures and facilities, or the sites thereof, or land which the Administrator determines is essential to the use of any of the foregoing.

TITLE 46—SHIPPING

Chapter II—United States Maritime Commission

[G. O. 41, Supp. 1]

PART 201—RULES OF PROCEDURE BEFORE THE COMMISSION

MAILING ADDRESSES, HOURS; COMPUTATION OF TIME

Sections 201.2 and 201.3 (originally designated §§ 1.02 and 1.03) are hereby amended to read:

§ 201.2 *Mailing addresses, hours.* Documents required by any section of these rules to be filed with the Commission, should be addressed to the "United States Maritime Commission, Washington 25, D. C." All correspondence relating to regulatory matters should be addressed to the "Director, Division of Regulation, United States Maritime Commission, Washington 25, D. C." The hours of the Commission are from 8:45 a. m. to 5:15 p. m., eastern standard time, Monday to Friday, inclusive, except on legal holidays.

§ 201.3 *Computation of time.* In computing any period of time under these rules, or any applicable statute, the day of the act, event, or default, is not to be included. The designated period of time begins with the day which follows the act, event, or default, and includes the last day of the period, unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday, or a holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays, and holidays shall be excluded from the computation. A half holiday shall not be considered as a holiday.

(39 Stat. 728, 47 Stat. 1425, 49 Stat. 1985, 46 U.S.C., Chapters 23, 23A, 27)

By order of the United States Maritime Commission.

A. J. WILLIAMS,
Secretary.

SEPTEMBER 28, 1945.

[F. R. Doc. 45-18953; Filed, Oct. 12, 1945; 11:21 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the act are issued under section 14 thereof and § 522.5 (b) of the regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed

below effective as of the date specified in each listed item below.

The employment of learners under these certificates is limited to the terms and conditions as designated opposite the employer's name. These certificates are issued upon the employer's representations that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided for in the regulations and as indicated on the certificates. Any person aggrieved by the issuance of the certificates may seek a review of reconsideration thereof.

Name and Address of Firm, Industry, Learner Occupations, Number of Learners, Learning Period, Learner Wage, Effective and Expiration Dates

Bethel College, North Newton, Kansas; printing and bookbinding; secretarial; 18 learners, compositor, pressman, linotype operator and related operators for a learning period of 1,000 hours at 30¢ for the first 500 hours and 35¢ for the next 500 hours; 24 learners, stenographer, typist, office machine operator and related operations for a learning period of 1,000 hours at 30¢ for the first 500 hours and 35¢ for the next 500 hours; effective September 11, 1945, expiring August 31, 1946.

Signed at New York, New York, this 4th day of October 1945.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 45-18878; Filed, Oct. 11, 1945; 1:14 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-663]

CINCINNATI GAS TRANSPORTATION CO.

ORDER FIXING DATE OF HEARING

OCTOBER 5, 1945.

It appears to the Commission that:

By order of September 15, 1945, in this matter, the Commission ordered that a hearing be held at a date and place to be fixed by further order concerning the lawfulness of the proposed changes in conditions of service set forth in Supplements No. 3 to Cincinnati Gas Transportation Company's Rate Schedules FPC Nos. 1 and 3, providing for the sale of natural gas to The Cincinnati Gas and Electric Company and The Union Light, Heat and Power Company, respectively. Such supplements were suspended by the same order, insofar as they provide for the sale of natural gas other than for resale for industrial use only, until February 18, 1946, or until such time thereafter as such supplemental rate schedules shall be made effective in the manner prescribed by the Natural Gas Act.

The Commission orders that:

(A) A public hearing be held commencing January 15, 1946, at 10 a. m., in the hearing room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., respecting the matters involved and the issues presented in this proceeding.

(B) Interested State commissions may participate in said hearing as provided

in § 67.4 of the provisional rules of practice and regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 45-18934; Filed, Oct. 12, 1945; 9:43 a. m.]

INTERSTATE COMMERCE COMMISSION.

[S. O. 355]

UNLOADING OF MACHINERY AT LOS ANGELES, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 9th day of October, A. D. 1945.

It appearing, That car Rdg. 24999 containing machinery at Los Angeles, Calif., on the Union Pacific Railroad Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action. It is ordered, that:

Machinery at Los Angeles, Calif., be unloaded. (a) The Union Pacific Railroad Company, its agents or employees shall unload forthwith car Rdg. 24999 containing machinery on hand at Los Angeles, Calif., consigned order—notify Badger & Co., Los Angeles, Calif.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload has been completely unloaded in compliance with the requirements of paragraph (a). Upon the unloading and receipt of such notice this order shall expire. (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Union Pacific Railroad Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 45-18877; Filed, Oct. 11, 1945; 1:39 p. m.]

[S. O. 356]

UNLOADING OF EXPERIMENTAL PLASTIC AT BERKELEY, CALIF.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 11th day of October, A. D. 1945.

It appearing, that car UP 350557 containing experimental plastic at Berkeley, Calif., on the Southern Pacific Company has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action.

It is ordered, that:

Experimental plastic at Berkeley, Calif., be unloaded. (a) The Southern Pacific Company, its agents or employees shall unload forthwith car UP 350557 containing experimental plastic as synthetic gum NOIBN on hand at Berkeley, Calif., consigned to Berkeley Steel Construction Company, Inc.

(b) Said carrier shall notify the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., when such carload has been completely unloaded in compliance with the requirements of paragraph (a). Upon the unloading and receipt of such notice this order shall expire.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U.S.C. 1 (10)-(17), 15 (2))

It is further ordered, that this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Southern Pacific Company, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 45-18951; Filed, Oct. 12, 1945;
11:09 a. m.]

OFFICE OF ALIEN PROPERTY CUSTODIAN.

[Vesting Order 5269]

HELEN KYRISS.

In re: Estate of Helen Kyriss, deceased; File No. F-28-6786 E. T. sec. 544.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claims of any kind or character whatsoever of Kurt E. Kyriss and Ilse Kyriss Petrovic, and each of them, in and to the Estate of Helen Kyriss, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Kurt E. Kyriss, Germany.
Ilse Kyriss Petrovic, Germany.

That such property is in the process of administration by the Central Hanover Bank & Trust Company of New York, as Successor

No. 202—4

Executor of the Estate of Helen Kyriss, deceased, acting under the judicial supervision of the Surrogate's Court, New York County, New York;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 10, 1945.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-18935; Filed, Oct. 12, 1945;
10:43 a. m.]

[Vesting Order 5270]

AMELIA LEVIS

In re: Trust created under the will of Amelia Levis, deceased; File D-28-9445; E. T. sec. 12660.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Anna Sus in and to the trust created under the will of Amelia Levis, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Anna Sus, Germany.

That such property is in the process of administration by Frank Anding, as Executor and Trustee, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Los Angeles;

And determining that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 10, 1945.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-18936; Filed, Oct. 12, 1945;
10:43 a. m.]

[Vesting Order 5271]

MARIE TAXIS

In re: Estate of Marie Taxis, deceased; File D-28-9333; E. T. sec. 12335.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Caroline Richter, descendants and heirs, names unknown, of Caroline Richter; Frieda Mack, descendants and heirs, names unknown, of Frieda Mack; Anna Taxis, Issue, names unknown, of Anna Taxis and Heinrich Taxis; Charlotte Becker, Descendants and heirs, names unknown, of Charlotte Becker; Katie Suess, Descendants and heirs, names unknown, of Katie Suess; Elisa Schick, Descend-

ants and heirs, names unknown, of Elisa Schick; Babette Weckhauf, Descendants and heirs, names unknown, of Babette Weckhauf; Mina Shuster and Descendants and heirs, names unknown, of Mina Shuster; and each of them, in and to the estate of Marie Taxis, deceased, and in and to the trust created under the Last Will and Testament of Marie Taxis, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Caroline Richter, Germany.
Descendants and heirs, names unknown, of Caroline Richter, Germany.
Frieda Mack, Germany.
Descendants and heirs, names unknown, of Frieda Mack, Germany.
Anna Taxis, Germany.
Issue, names unknown, of Anna Taxis and Heinrich Taxis, Germany.
Charlotte Becker, Germany.
Descendants and heirs, names unknown, of Charlotte Becker, Germany.
Katie Suess, Germany.
Descendants and heirs, names unknown, of Katie Suess, Germany.
Elisa Schick, Germany.
Descendants and heirs, names unknown, of Elisa Schick, Germany.
Babette Weckhauf, Germany.
Descendants and heirs, names unknown, of Babette Weckhauf, Germany.
Mina Shuster, Germany.
Descendants and heirs, names unknown, of Mina Shuster, Germany.

That such property is in the process of administration by Hugo A. Koelle, Sappington Road, Sappington, Missouri, and Lux H. Bock, 3801 Federer Place, St. Louis, Missouri, as Executors and Trustees of the estate of Marie Taxis, deceased, acting under the judicial supervision of the Probate Court of St. Louis County, Missouri;

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest,

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an

admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended.

Executed at Washington, D. C., on October 10, 1945.

[SEAL]

JAMES E. MARKHAM,
Alien Property Custodian.

[F. R. Doc. 45-18937; Filed, Oct. 12, 1945; 10:43 a. m.]

OFFICE OF PRICE ADMINISTRATION.

AMERICAN REFRIGERATOR AND MACHINE CO.

[MPR 188, Order 4529]

APPROVAL OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to § 1499.158 of Maximum Price Regulation No. 188; *It is ordered:*

(a) This order establishes maximum prices for sales and deliveries of certain articles manufactured by American Refrigerator and Machine Co., 615 Third Street, No. Minneapolis, Minn.

(1) For all sales and deliveries to the following classes of purchasers by the sellers indicated below, the maximum prices are those set forth below:

| Article | Model Nos. | For sales by the manufacturer— | | For sales by any person to consumers |
|---|--------------------------|--------------------------------|--------------|--------------------------------------|
| | | To jobbers | To retailers | |
| Table lamps made with Laminated widths of Hard Plywood in Combination with glass founts and Fabric covered Parchment shade. | L-101, L-102, and L-103. | \$12.41 | \$14.60 | \$26.25 |
| | L-104..... | 11.69 | 13.75 | 24.75 |

These maximum prices are for the articles described in the manufacturer's application dated August 7, 1945.

(2) For sales by the manufacturer, the maximum prices apply to all sales and deliveries since Maximum Price Regulation No. 188 became applicable to those sales and deliveries. For sales to persons other than consumers they are f. o. b. factory, 2% 10 days, net 30. The maximum price to consumers is net, delivered.

(3) For sales by persons other than the manufacturer, the maximum prices apply to all sales and deliveries after the effective date of this order. Those prices are subject to each seller's customary terms and conditions of sale on sales of similar articles.

(4) If the manufacturer wishes to make sales and deliveries to any other class of purchaser or on other terms and conditions of sale, he must apply to the Office of Price Administration, Washington, D. C., under the Fourth Pricing Method, § 1499.158 of Maximum Price

Regulation No. 188, for the establishment of maximum prices for those sales, and no sales or deliveries may be made until maximum prices have been authorized by the Office of Price Administration.

(b) The manufacturer shall attach a tag or label to every article for which a maximum price for sales to consumers is established by this order. That tag or label shall contain the following statement, with the proper model number and the ceiling price inserted in the blank spaces:

Model No. -----
OPA Retail Ceiling Price—\$-----
Do Not Detach

(c) At the time of, or prior to, the first invoice to each purchaser for resale, the manufacturer shall notify the purchaser in writing of the maximum prices and conditions established by this order for sales by the purchaser. This notice may be given in any convenient form.

(d) Jobbers' maximum prices for sales of the articles covered by this order shall be established under the provisions of section 4.5 of SR 14J.

(e) This order may be revoked or amended by the Price Administrator at any time.

(f) This order shall become effective on the 12th day of October 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18876; Filed, Oct. 11, 1945; 11:44 a. m.]

[MPR 149, Order 53]

MECHANICAL RUBBER GOODS

AUTHORIZATION OF MAXIMUM PRICES

For the reasons set forth in an opinion, issued simultaneously herewith, and filed with the Division of the Federal Register, and pursuant to § 1315.30b of Maximum Price Regulation 149, *It is ordered:*

Any manufacturer may sell or deliver to any person and any person may buy or receive rubber flooring at prices to be adjusted upward in accordance with action that may hereafter be taken by the Office of Price Administration changing the existing maximum prices for such rubber flooring. However, no manufacturer may receive and no person may pay more than the existing maximum prices for such rubber flooring unless and until the Office of Price Administration changes existing maximum prices. The manufacturer may quote or invoice at prices in excess of presently established maximum prices but all such quotations and invoices shall contain a notation to the effect that such quoted or invoiced prices are subject to the approval of the Office of Price Administration.

This order may be amended or revoked at any time.

This order shall become effective October 15, 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18905; Filed, Oct. 11, 1945; 4:43 p. m.]

[MPR 188, Corr. to Rev. Order 1078]

ELECTRONIC KITCHEN CO.

APPROVAL OF MAXIMUM PRICES

Revised Order No. 1078 under Maximum Price Regulation No. 188 is corrected by changing all reference to Revised Order No. 1078 to Order No. 4528. Order No. 1078 as originally issued remains in full force and effect.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.[F. R. Doc. 45-18913; Filed, Oct. 11, 1945;
4:46 p. m.]

[MPR 188, Order 4530]

L. A. JAGERSON CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith, it is ordered:

(a) The maximum prices for sales by L. A. Jagerson Company, 1201 Loma Avenue, Long Beach, California of the two new paint specialties listed below shall be:

| | Per 100 lbs. in 50 lb. cans |
|--|-----------------------------------|
| "Jagermix" bonding cement paint: | |
| To jobber..... | \$5.80 |
| To retailer..... | 7.25 |
| At retail..... | 11.00 |
| | Per gal. in gal. containers |
| "Jagermix" clear waterproofing liquid: | |
| To jobber..... | \$0.70 |
| To retailer..... | .85 |
| At retail..... | 1.20 |

Customary differentials shall apply on sales in package sizes other than those listed above. Sales by the manufacturer to jobbers and dealers are f. o. b. Long Beach, California. Prices "at retail" are delivered prices. Jobber prices are f. o. b. selling point.

(b) No extra charge may be made for containers.

(c) With or prior to the first delivery of Jagermix Bonding Cement Paint and Jagermix Clear Waterproofing Liquid on and after the effective date of this order to a jobber or dealer, L. A. Jagerson Company, or any other seller shall furnish such jobber or such dealer with a written notice containing the schedule of maximum prices set out in paragraph (a) above, a statement that they have been approved by the Office of Price Administration, and in the case of a delivery to a jobber, also a statement that with or prior to the jobber's first delivery on and after the effective date of this order to a dealer, such jobber is required by the Office of Price Administration to furnish such dealer with a written notice containing the schedule of maximum prices set out in paragraph (a) above and a statement that they have been approved by the Office of Price Administration.

(d) Prior to making any delivery of Jagermix Bonding Cement Paint or Jagermix Clear Waterproofing Liquid on and after the effective date of this order, L. A. Jagerson Company shall mark or cause to be marked on each size of container, whichever of the following legends is applicable:

Jagermix Bonding Cement Paint In 50 lb. Cans—"Retail ceiling price \$5.50."
Jagermix Clear Waterproofing Liquid In Gallon Containers—"Retail ceiling price \$1.20."

(e) This order may be revoked or amended by the Administrator at any time.

This order shall become effective October 12, 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.[F. R. Doc. 45-18914; Filed, Oct. 11, 1945;
4:45 p. m.]

[MPR 591, Order 49]

BIGNALL CO.

ADJUSTMENT OF MAXIMUM PRICES

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to section 16 (b) (1) of Maximum Price Regulation No. 591, it is ordered:

(a) *Manufacturer's maximum prices.* The Bignall Company of Medina, New York, may increase its current maximum net prices on plumbing staples to each class of customer by 8 percent.

(b) The maximum net prices established in (a) above shall be subject to cash discounts and transportation allowances in effect on these items during March 1942.

(c) *Maximum prices for resellers.* All resellers of the items for which adjustment is granted the manufacturer by this order may add the same percentage mark-up to their new cost resulting from the adjustment as they had in effect on such items during March 1942.

(d) *Notification to all sellers.* The Bignall Company shall send the following notice to each purchaser at or before the time of the first billing after the adjustment granted by this order is put into effect:

Order No. 49 under section 16 (b) (1) of Maximum Price Regulation No. 591 provides for an 8 percent increase in the maximum prices of plumbing staples manufactured by the Bignall Company. Resellers may add the same percentage mark-up to their new cost resulting from the adjustment granted the manufacturer by this order as were in effect on these items during March 1942.

(e) All prayers of the application of the Bignall Company not granted by this order are hereby denied.

(f) This order may be amended or revoked by the Price Administrator at any time.

This order shall become effective October 12, 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.[F. R. Doc. 45-18910; Filed, Oct. 11, 1945;
4:44 p. m.]

[SR 15, Amdt. 1 to Order 52]

LAKE MILLS SHOE CO.

ADJUSTMENT OF MAXIMUM PRICES

Amendment 1 to Order No. 52 under § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation, Lake Mills Shoe Company, WLB Case No. 6-48886, OPA Docket No. SO-28-7299, 6064-SR 15.75 (a) (10)-22.

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register and pursuant to § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation, it is ordered:

Order No. 52 under § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation is amended in the following respects:

1. The item designated as Style No. 1708 in subparagraph (a) (1) is amended to read as follows:

| Style No. | Description | Size run | "OPA adjustment charge" (cents per pair) | Adjusted maximum prices per pair (net) |
|-----------|-------------------------|----------|--|--|
| 1708 | Misses' black elk boot. | 11½-3 | 15 | \$1.66 |

This amendment shall become effective October 12, 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.[F. R. Doc. 45-18911; Filed, Oct. 11, 1945;
4:45 p. m.]

[SR 15, Order 53]

HUBLER SHOES, INC.

ESTABLISHMENT OF MAXIMUM PRICES

Order No. 53 under § 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation, Hubler Shoes, Inc.; Docket No. 6064-SR 15.75 (a) (10)-51.

For the reasons set forth in an opinion issued simultaneously herewith and pursuant to Section 1499.75 (a) (10) of Supplementary Regulation 15 to the General Maximum Price Regulation, it is ordered:

(a) *Maximum prices for sales of footwear by Hubler Shoes, Inc.* On and after October 12, 1945, the maximum prices at which Hubler Shoes, Inc., Auburn, Pennsylvania, may sell and deliver the footwear specified below to wholesalers and to chain store retailers shall be as follows:

| Style No. and description | Adjusted maximum price ¹ per pair (net) | |
|---|--|--------------------------------|
| | Sales to whole-salers | Sales to chain-store retailers |
| 1 Child's elk blucher oxford..... | \$1.47 | \$1.53 |
| 2 Misses' elk blucher oxford..... | 1.67 | 1.73 |
| 3 Child's elk boot..... | 1.55 | 1.63 |
| 4 Child's blucher oxford (genuine shark tip)..... | 1.69 | 1.75 |
| 5 Misses' blucher oxford (genuine shark tip)..... | 1.89 | 1.95 |
| 6 Child's patent center buckle..... | 1.51 | 1.63 |
| 7 Misses' patent center buckle..... | 1.71 | 1.73 |
| 8 Child's patent "T"-strap..... | 1.51 | 1.63 |
| 9 Misses' patent "T"-strap..... | 1.71 | 1.73 |
| 10 Child's white kid oxford..... | 1.63 | 1.81 |
| 11 Misses' white kid oxford..... | 1.83 | 1.91 |
| 12 Child's white kid center buckle..... | 1.67 | 1.89 |
| 13 Misses' white kid center buckle..... | 1.87 | 2.03 |
| 14 Child's elk moccasin..... | 1.51 | 1.63 |
| 15 Misses' elk moccasin..... | 1.67 | 1.73 |
| 16 Child's elk saddle oxford..... | 1.51 | 1.63 |
| 17 Misses' elk saddle oxford..... | 1.71 | 1.73 |
| 18 Child's elk boot (genuine shark tip)..... | 1.77 | 1.83 |

¹ These adjusted maximum prices apply only to footwear made with fiber counters. The adjusted maximum prices for the styles listed above made with leather counters shall be the adjusted maximum prices listed above increased by 2 cents per pair in each instance.

(b) *Adjustment of certain maximum prices for sales at wholesale.* The maximum price for a sale at wholesale of any shoe listed in paragraph (a), above, shall be the wholesaler's maximum price previously established under the General Maximum Price Regulation increased by 3%. A wholesaler who has not previously established a maximum price under the General Maximum Price Regulation may increase his maximum price otherwise determined under § 1499.2 of the General Maximum Price Regulation by an amount equal to 3% of that price.

(c) *Adjustment of certain maximum prices for sales at retail subject to the General Maximum Price Regulation.* The maximum price for a sale or delivery at retail of any shoe listed in paragraph (a), above, shall be the retailer's maximum price previously established under the General Maximum Price Regulation increased by 3%. A retailer who has not previously established a maximum price therefor under the General Maximum Price Regulation may increase his maximum price otherwise determined under § 1499.2 of the General Maximum Price Regulation by an amount equal to 3% of that price.

(d) *Notification.* At the time of (or prior to) the first delivery of each shoe listed in paragraph (a), above, to a purchaser for resale on and after the effective date of this order at a price adjusted in accordance with the terms of this order, the seller shall notify the purchaser in writing of the applicable method established by paragraph (b) or (c), above, for determining maximum prices for resale of the footwear. This notice may be given in any convenient form.

(e) All requests not specifically granted by this order are hereby denied.

(f) This order may be amended, modified, revised or revoked by the Administrator at any time.

This order shall become effective October 12, 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18912; Filed, Oct. 11, 1945; 4:45 p. m.]

[RMPR 136, Order 512]

DURO METAL PRODUCTS CO.

DETERMINATION OF MAXIMUM PRICES

Order No. 512 under Revised Maximum Price Regulation 136. Machines, parts and industrial equipment. Duro Metal Products Co. Docket No. 6083-136.21-508.

For the reasons set forth in an opinion, issued simultaneously herewith and filed with the Division of the Federal Register, and pursuant to section 21 of Revised Maximum Price Regulation 136; It is ordered:

(a) The maximum prices for sales of power tool items by Duro Metal Products Company, Chicago, Illinois shall be determined as follows:

| Catalog No.: | Maximum price |
|--------------|---------------|
| D3000..... | \$7.5897 |
| C3026..... | 15.5291 |
| F3031..... | 37.9215 |
| F3012..... | 25.9123 |
| B3043..... | 6.7234 |
| B3052..... | 5.9727 |
| B3010..... | 15.5967 |
| B3054..... | 21.9691 |
| A3041..... | 4.7805 |
| B3045..... | 1.6863 |
| B3130..... | 1.1189 |
| B3033..... | 13.9920 |
| 305367..... | 8.6979 |
| 308064..... | 1.2385 |
| 3591A..... | .4067 |
| 309103..... | 2.7069 |
| 311801..... | .1381 |
| 311901..... | .0668 |
| 311902..... | .0926 |
| 3228C..... | .4891 |
| 3253..... | .3034 |
| 3256..... | .6201 |
| 3590A..... | .3667 |
| C3020..... | 32.2322 |
| 3120..... | .5167 |
| 3121..... | .6593 |
| 3140A..... | .2528 |
| 3146A..... | .4892 |

(b) The maximum prices for sales of power tool items by resellers shall be determined as follows: The reseller shall add to the maximum net price he had in effect to a purchaser of the same class, just prior to the issuance of this order, the amount, in dollars-and-cents, by which his net invoiced cost has been increased due to the adjustment granted the manufacturer by this order.

(c) Duro Metal Products Company shall notify each person who buys power tool items for resale of the dollars-and-cents amounts by which this order permits the reseller to increase his maximum net prices. A copy of each such notice shall be filed with the Machinery Branch, Office of Price Administration, Washington 25, D. C.

(d) All requests not granted herein are denied.

(e) This order may be revoked or amended by the Price Administrator at any time.

This order shall become effective October 11, 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18906; Filed, Oct. 11, 1945; 4:43 p. m.]

[MPR 254, Corr. to Rev. Order 6]

HARRINGTON AND RICHARDSON CO.

APPROVAL OF MAXIMUM PRICES

Revised Order No. 6 under Maximum Price Regulation 254 is corrected by changing the price to jobbers for the manufacturer's 22 caliber rifle, Model 365, from \$27.20 to \$17.20.

This correction is to become effective on the 12th day of October 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18908; Filed, Oct. 11, 1945; 4:44 p. m.]

[MPR 580, Amdt. 1 to Order 74]

MARSHAL FIELD & CO., INC.

ESTABLISHMENT OF CEILING PRICES

Maximum Price Regulation 580, Order No. 74, Amendment 1. Establishing ceiling prices at retail for branded articles. Docket No. 6063-580-13-340.

For the reasons set forth in the accompanying opinion, Order No. 74 under section 13 of Maximum Price Regulation 580 is amended by adding to paragraph (a) the following retail ceiling price for the article described below:

| Article | Brand name | Style No. | Manufacturer's price line | Ceiling price at retail |
|------------|-------------|---------------------|---------------------------|-------------------------|
| Blanket... | Fieldcrest. | Frost King, 8233... | \$7.75 | \$12.95 |

The retail ceiling price of an article manufactured for the first time after the effective date of this order and which is sold by the manufacturer at the same price as another article of the same type with the same brand or company name and for which a retail ceiling price has been established by this paragraph (a) shall be the retail ceiling price listed for that other article in this paragraph (a).

This amendment shall become effective October 12, 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.

[F. R. Doc. 45-18909; Filed, Oct. 11, 1945; 4:44 p. m.]

[MPR 188, Order 4402]

REX CUTLERY CO.

APPROVAL OF MAXIMUM PRICES
Correction

In the table in Federal Register Document 45-16864, appearing at page 11683 of the issue for Wednesday, September 12, 1945, the first price under the column "Wholesaler (jobber): Chrome Plated" should be "\$0.16".

[RMPR 161, Amdt. 6 to Order 53]

WEST COAST LOGS

APPROVED GRADERS AND SCALERS

For the reasons set forth in the accompanying opinion and under the authority vested in the Administrator by § 1381.158 of Revised Maximum Price Regulation 161, Order No. 53 is hereby amended as follows:

1. To the list of names of approved employees in paragraph (a) (1), add the name

J. K. LEWIS

This amendment shall become effective October 13, 1945.

Issued this 11th day of October 1945.

CHESTER BOWLES,
Administrator.[F. R. Doc. 45-18907; Filed, Oct. 11, 1945;
4:44 p. m.]

[MPR 478, Order 153]

PATENT FABRIC CO.

AUTHORIZATION OF MAXIMUM PRICES
Correction

In the table appearing in Federal Register Document 45-17254 on page 11878 of the issue for Tuesday, September 18, 1945, the second price in the "Kolo Metallic Color" column should read "\$.32".

[Order 48 Under 19a, Revocation]

COTTON TIRE CORD AND COTTON TIRE CORD
FABRIC PRODUCED BY "INDEPENDENT"
COTTON TIRE CORD MANUFACTURERS

ADJUSTABLE PRICING

For the reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, It is ordered, That:

Order No. 48 under § 1499.19a of the General Maximum Price Regulation be, and it is hereby, revoked.

This order of revocation shall become effective October 12, 1945.

Issued this 12th day of October 1945.

CHESTER BOWLES,
Administrator.[F. R. Doc. 45-18972; Filed, Oct. 12, 1945;
11:52 a. m.]

9 F.R. 9668, 13846, 14059; 10 F.R. 924, 2973, 4712.

[MPR 120, Order 1465]

BANKS AND POLLY COAL CO. ET AL.

ESTABLISHMENT OF MAXIMUM PRICES AND
PRICE CLASSIFICATIONS

Correction

In the table for Kentucky Blue Grass Mining Company, appearing in Federal Register Document 45-17558 at page 12051 of the issue for Saturday, September 22, 1945, the price for railroad fuel in Size Group No. 8 should read "325".

Regional and District Office Orders.

[Region VII Order 26 Under RMPR 122,
Amdt. 39]

SOLID FUELS IN DENVER REGION

Order No. G-26 under Revised Maximum Price Regulation No. 122, Amendment No. 39. Solid fuels sold and delivered by dealers. Maximum prices for solid fuels when sold by dealers within specified trade areas in Region VII. Docket No. 7-122-259 (a) (1)-260-19.

Pursuant to the Emergency Price Control Act of 1942, as amended, the Stabilization Act of 1942, as amended, and §§ 1340.259 (a) and 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the accompanying opinion, this Amendment No. 39 is issued.

TABLE OF MAXIMUM PRICES

| Kind and letter designation | Size | Part 1—delivered prices | | Part 2—yard prices | |
|---|--|-------------------------|-----------|--------------------|-----------|
| | | Per ton | Per ½ ton | Per ton | Per ½ ton |
| Bituminous coal produced in district 16: | | | | | |
| Subdistricts 1, 2, and 3, Louisville, Lafayette, and Marshall #1: | | | | | |
| (A)..... | #2, #3 and #5—8" lump, 2½" lump and 8" x 2½" egg. | \$7.95 | \$4.25 | \$7.45 | \$4.00 |
| (B)..... | #4—8" x 4" grate..... | 8.45 | 4.45 | 7.90 | 4.20 |
| (C)..... | #6—4" x 2½" nut..... | 6.58 | 3.54 | 6.08 | 3.29 |
| (D)..... | #8—2½" x 1½" pea..... | 6.18 | | 5.93 | 3.21 |
| (E)..... | #9—1½" x ¾" mod. pea..... | 6.18 | | 5.93 | 3.21 |
| (F)..... | #10 and #11—2½" x 0" and 1½" x 0" slacks. | 4.63 | | 4.38 | 2.45 |
| Subdistricts 4, 6, and 8, Marshall #2, Erie, and Frederick: | | | | | |
| (G)..... | #2, #3 and #5—8" lump, 2½" lump, and 8" x 2½" egg. | 7.23 | 3.85 | 6.73 | 3.65 |
| (H)..... | #4—8" x 4" grate..... | 7.78 | 4.15 | 6.03 | 3.90 |
| (I)..... | #6—4" x 2½" nut..... | 6.48 | 3.49 | 5.98 | 3.24 |
| (J)..... | #8—2½" x 1½" pea..... | 6.18 | | 5.93 | 3.21 |
| (K)..... | #9—1½" x ¾" mod. pea..... | 6.18 | | 5.93 | 3.21 |
| (L)..... | #10 and #11—2½" x 0" and 1½" x 0" slacks. | 4.63 | | 4.38 | 2.45 |

¹ Pea and slack coals delivered prices are based on loads of 2 tons or more. For deliveries of less than 2 tons, add 25c to the per ton price.

(4) *Letter designation.* For record-keeping purposes, the letter designation hereinabove set forth may be used to show the kind of solid fuel sold.

(5) *Special service charges.* If, in connection with the sale and delivery of coal made by you in the Boulder Trade Area, you, at the request of the purchaser, perform any one or more of the special services set forth below, the maximum prices which you may charge for such services are as follows:

1. *Appendix XL revised and amended.* Appendix XL, Boulder Trade Area, is hereby redesignated Revised Appendix XL, Boulder Trade Area, and amended to read as follows:

(1) *To what sales this Revised Appendix XL applies.* This Revised Appendix XL applies only to sales made by dealers in the Boulder Trade Area of the State of Colorado, which means all of that area contained within a radius of two miles from the County Court House Square in the City of Boulder.

(2) *Relation to other orders.* This Order No. G-26, as amended by this Amendment No. 39 incorporating therein this Revised Appendix XL, supersedes all prices of the dealers in the Boulder Trade Area as now established under Revised Maximum Price Regulation No. 122, and from and after the effective date of this Amendment No. 39 the maximum prices of all such dealers shall be the dollars-and-cents prices set forth herein.

(3) *Specific maximum prices.* If you are a dealer and sell in the Boulder Trade Area of the State of Colorado, either f. o. b. your yard, or delivered by truck direct from the mine or from your yard, any one or more of the kinds and sizes of coal named in this Revised Appendix XL, your maximum prices therefor are those set forth in Parts 1 and 2 of the following:

| | Per ton | Per ½-ton |
|---------------------------------|---------|-----------|
| "Wheel-in"..... | \$0.50 | \$0.35 |
| "Pull-back" or "trimming"..... | 0.25 | 0.15 |
| Carrying up or down stairs..... | 1.00 | 0.50 |
| Oil or chemical treatment..... | 0.25 | 0.15 |

2. *Effective date.* This Amendment No. 39 shall become effective on the 24th day of August 1945.

Issued this 24th day of August 1945.

JOSEPH W. PENFOLD,
Acting Regional Administrator.[F. R. Doc. 45-18882; Filed, Oct. 11, 1945;
1:16 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register October 2, 1945.

REGION I

Boston Order 2-D, covering butter and cheese in certain New England Areas. Filed 9:53 a. m.

Boston Order 12-F, Amendment 6, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:43 a. m.

REGION II

Altoona Order 2-F, Amendment 39, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 9:43 a. m.

District of Columbia Order 6-W, covering dry groceries in the Washington, D. C., Area. Filed 9:57 a. m.

Philadelphia Order 11-F, Amendment 21, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:58 a. m.

Philadelphia Order 12-F, Amendment 21, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:58 a. m.

Scranton Order 4-F, Amendment 42, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:58 a. m.

Trenton Order 12-F, Amendment 27, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 9:56 a. m.

Wilmington Order 21, covering dry groceries in certain areas in Delaware. Filed 9:56 a. m.

Wilmington Order 22, covering dry groceries in certain areas in Delaware. Filed 9:56 a. m.

REGION III

Columbus Order 1-O, Amendment 1, covering eggs in certain counties in Ohio. Filed 9:57 a. m.

Columbus Order 5-W, Amendment 2, covering dry groceries in the Columbus Area. Filed 9:56 a. m.

Columbus Order 15, Amendment 15, covering dry groceries in the Columbus Area. Filed 9:56 a. m.

Detroit Order 5-F, Amendment 34, covering fresh fruits and vegetables in the Wayne and Macomb Counties, Michigan. Filed 9:54 a. m.

Grand Rapids Order 14-F (Appendix A), Amendment 93, covering fresh fruits and vegetables in the city of Grand Rapids, Michigan. Filed 9:57 a. m.

Grand Rapids Order 14-F (Appendix B), Amendment 93, covering fresh fruits and vegetables in certain cities in Michigan. Filed 9:57 a. m.

Grand Rapids Order 14-F (Appendix C), Amendment 67, covering fresh fruits and vegetables in certain counties in Michigan. Filed 9:57 a. m.

Indianapolis Order 14-F, Amendment 34, covering fresh fruits and vegetables in Marion, Virgo and Tippecanoe. Filed 9:54 a. m.

Indianapolis Order 14-F, Amendment 35, covering fresh fruits and vegetables in Marion, Virgo and Tippecanoe. Filed 9:54 a. m.

Indianapolis Order 15-F, Amendment 34, covering fresh fruits and vegetables in Wayne, Delaware and Allen. Filed 9:54 a. m.

Indianapolis Order 15-F, Amendment 35, covering fresh fruits and vegetables in Wayne, Delaware and Allen. Filed 9:54 a. m.

Indianapolis Order 16-F, Amendment 34, covering fresh fruits and vegetables in St. Joseph. Filed 9:55 a. m.

Indianapolis Order 16-F, Amendment 35, covering fresh fruits and vegetables in St. Joseph. Filed 9:55 a. m.

Indianapolis Order 17-F, Amendment 34, covering fresh fruits and vegetables in Vanderburgh. Filed 9:55 a. m.

Indianapolis Order 17-F, Amendment 35, covering fresh fruits and vegetables in Vanderburgh. Filed 9:55 a. m.

Louisville Order 4-W, Amendment 3, covering dry groceries in Jefferson County, Kentucky, and Clark and Floyd Counties, Indiana. Filed 9:44 a. m.

Louisville Order 26, Amendment 3, covering dry groceries in Jefferson County, Kentucky, and Clark and Floyd Counties, Indiana. Filed 9:44 a. m.

Louisville Order 5-W, Amendment 3, covering dry groceries in certain areas in Kentucky. Filed 9:45 a. m.

Louisville Order 28, Amendment 3, covering dry groceries in certain areas in Kentucky. Filed 9:45 a. m.

Louisville Order 6-W, Amendment 4, covering dry groceries in certain areas in Kentucky. Filed 9:45 a. m.

Louisville Order 30, Amendment 4, covering dry groceries in certain areas in Kentucky. Filed 9:44 a. m.

Louisville Order 32, Amendment 2, covering dry groceries in certain counties in Kentucky. Filed 9:44 a. m.

REGION IV

Atlanta Order 6-F, Amendment 53, covering fresh fruits and vegetables in the Atlanta-Decatur Area, Georgia. Filed 9:45 a. m.

Atlanta Order 6-F, Amendment 54, covering fresh fruits and vegetables in certain counties in the Atlanta-Decatur area, Georgia. Filed 9:50 a. m.

Atlanta Order 7-F, Amendment 21, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:51 a. m.

Atlanta Order 7-F, Amendment 22, covering fresh fruits and vegetables in certain areas in Georgia. Filed 9:51 a. m.

Atlanta Order 8-F, Amendment 21, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:51 a. m.

Atlanta Order 8-F, Amendment 22, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:51 a. m.

Atlanta Order 9-F, Amendment 24, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:51 a. m.

Atlanta Order 10-F, Amendment 10, covering fresh fruits and vegetables in certain counties in Georgia. Filed 9:43 a. m.

Birmingham Order 3-F, Amendment 36, covering fresh fruits and vegetables in Jefferson County, Alabama. Filed 9:44 a. m.

REGION VIII

Spokane Order 41, covering dry groceries in certain areas in Idaho and Washington. Filed 9:53 a. m.

Spokane Order 42, covering dry groceries in certain areas in Idaho. Filed 9:52 a. m.

Spokane Order 43, covering dry groceries in certain counties in Washington. Filed 9:52 a. m.

Spokane Order 44, covering dry groceries in certain areas in Washington. Filed 9:52 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-18879; Filed, Oct. 11, 1945; 1:14 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Rev. General Order 51 were filed with the Division of the Federal Register October 9, 1945.

REGION IV

Miami Order 1-F, Amendment 34, covering fresh fruits and vegetables in certain areas in Florida. Filed 10:20 a. m.

Miami Order 2-F, Amendment 32, covering fresh fruits and vegetables in the Tampa, Florida, Area. Filed 10:20 a. m.

Montgomery Order 5-W, Amendment 4, covering dry groceries in the Montgomery Area. Filed 10:21 a. m.

Montgomery Order 6-W, covering dry groceries in the Montgomery Area. Filed 10:22 a. m.

Montgomery Order 20, Amendment 4, covering dry groceries in the Montgomery Area. Filed 10:20 a. m.

Montgomery Order 21, Amendment 4, covering dry groceries in the Montgomery Area. Filed 10:21 a. m.

Montgomery Order 22, covering dry groceries in the Montgomery Area. Filed 10:21 a. m.

Montgomery Order 25-F, covering fresh fruits and vegetables in certain counties in the Montgomery Area. Filed 10:20 a. m.

Roanoke Order 6-W, Amendment 1, covering dry groceries. Filed 10:22 a. m.

REGION V

Fort Worth Order 4-W, covering dry groceries in certain counties in Texas. Filed 10:19 a. m.

Fort Worth Order 19, covering dry groceries in certain counties in Texas. Filed 10:19 a. m.

Houston Order 4-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Texas. Filed 10:22 a. m.

Houston Order 5-F, Amendment 10, covering fresh fruits and vegetables in Jefferson and Orange Counties, Texas. Filed 10:22 a. m.

Kansas City Order 4-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:23 a. m.

Kansas City Order 4-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:23 a. m.

Little Rock Order 26, covering dry groceries in certain areas in Arkansas. Filed 10:23 a. m.

New Orleans Order 3-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 10:23 a. m.

New Orleans Order 5-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 10:24 a. m.

New Orleans Order 6-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Louisiana. Filed 10:24 a. m.

Oklahoma City Order 5-W, Amendment 1, covering dry groceries. Filed 10:25 a. m.

Oklahoma City Order 6-F, Amendment 4, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:24 a. m.

Oklahoma City Order 6-F, Amendment 5, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:24 a. m.

Oklahoma City Order 7-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Oklahoma. Filed 10:24 a. m.

Oklahoma City Order 16, Amendment 1, covering dry groceries. Filed 10:24 a. m.

Oklahoma City Order 17, covering dry groceries in certain areas in Oklahoma. Filed 10:25 a. m.

Oklahoma City Order 17, Amendment 1, covering dry groceries. Filed 10:25 a. m.

St. Louis Order 4-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Missouri. Filed 10:11 a. m.

Wichita Order 5-F, Amendment 10, covering fresh fruits and vegetables in certain areas in Kansas. Filed 10:11 a. m.

REGION VI

Omaha Order 10-F, Amendment 29, covering fresh fruits and vegetables in Omaha, Nebraska and Council Bluffs, Iowa. Filed 10:11 a. m.

Omaha Order 11-F, Amendment 30, covering fresh fruits and vegetables in Lincoln, Nebraska. Filed 10:11 a. m.

Omaha Order 13-F, Amendment 1, covering fresh fruits and vegetables in certain areas in Nebraska. Filed 10:12 a. m.

Peoria Order 7-F, Amendment 24, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:12 a. m.

Peoria Order 8-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:12 a. m.

Peoria Order 9-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:12 a. m.

Peoria Order 10-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:12 a. m.

Peoria Order 10-F, Amendment 25, covering fresh fruits and vegetables in certain areas in Illinois. Filed 10:12 a. m.

REGION VII

Albuquerque Order 45, Amendment 1, covering dry groceries in the entire state of New Mexico. Filed 10:13 a. m.

Denver Order 4-F, Amendment 16, covering fresh fruits and vegetables in the Denver Area. Filed 10:13 a. m.

Denver Order 5-F, Amendment 16, covering fresh fruits and vegetables in the Pueblo Area including the city of Pueblo. Filed 10:13 a. m.

Denver Order 6-F, Amendment 16, covering fresh fruits and vegetables in the Colorado Springs-Manitou Area. Filed 10:13 a. m.

Denver Order 7-F, Amendment 16, covering fresh fruits and vegetables in the Boulder-Fort Collins-Greeley Area. Filed 10:13 a. m.

REGION VIII

Nevada Order 8-O, Amendment 2, covering eggs in certain areas in Nevada. Filed 10:14 a. m.

Nevada Order 9-O, Amendment 2, covering eggs in certain areas in Nevada. Filed 10:14 a. m.

Nevada Order 10-O, Amendment 2, covering eggs in certain counties in Nevada. Filed 10:15 a. m.

Nevada Order 11-F, Amendment 5, covering fresh fruits and vegetables in the Reno and Sparks Area. Filed 10:13 a. m.

Nevada Order 11-O, Amendment 2, covering eggs in certain counties in Nevada. Filed 10:15 a. m.

Nevada Order 12-F, Amendment 6, covering fresh fruits and vegetables in certain areas in Nevada. Filed 10:13 a. m.

Nevada Order 12-O, Amendment 2, covering eggs in Clark County, Nevada. Filed 10:15 a. m.

Nevada Order 13-F, Amendment 6, covering fresh fruits and vegetables in certain areas in Nevada. Filed 10:13 a. m.

Nevada Order 13-O, Amendment 2, covering eggs in Clark County, Nevada. Filed 10:15 a. m.

Nevada Order 14-F, Amendment 6, covering eggs in certain areas in Nevada. Filed 10:14 a. m.

Nevada Order 15-F, Amendment 6, covering fresh fruits and vegetables in certain areas in Nevada. Filed 10:14 a. m.

Portland Order 5-F, Amendment 40, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:15 a. m.

Portland Order 6-F, Amendment 40, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:15 a. m.

Portland Order 7-F, Amendment 40, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:15 a. m.

Portland Order 8-F, Amendment 40, covering fresh fruits and vegetables in Medford, Oregon. Filed 10:15 a. m.

Portland Order 9-F, Amendment 40, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:16 a. m.

Portland Order 10-F, Amendment 39, covering fresh fruits and vegetables in Kelso, West Kelso, and Longview, Washington. Filed 10:16 a. m.

Portland Order 12-F, Amendment 36, covering fresh fruits and vegetables in Salem, West Salem, Oregon. Filed 10:16 a. m.

Portland Order 13-F, Amendment 36, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:16 a. m.

Portland Order 14-F, Amendment 35, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:16 a. m.

Portland Order 15-F, Amendment 35, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:16 a. m.

Portland Order 16-F, Amendment 29, covering fresh fruits and vegetables in Bend, Oregon. Filed 10:16 a. m.

Portland Order 17-F, Amendment 30, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:16 a. m.

Portland Order 19-F, Amendment 25, covering fresh fruits and vegetables in The Dalles, Oregon. Filed 10:16 a. m.

Portland Order 20-F, Amendment 26, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:17 a. m.

Portland Order 21-F, Amendment 26, covering fresh fruits and vegetables in the Pendleton, Oregon Area. Filed 10:17 a. m.

Portland Order 22-F, Amendment 26, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:17 a. m.

Portland Order 27-F, Amendment 23, covering fresh fruits and vegetables in Baker and La Grande, Oregon. Filed 10:17 a. m.

Portland Order 27-F, Amendment 25, covering fresh fruits and vegetables in Baker and La Grande, Oregon. Filed 10:17 a. m.

Portland Order 28-F, Amendment 23, covering fresh fruits and vegetables in Haines, Wallowa, Enterprise, Oregon Area. Filed 10:17 a. m.

Portland Order 28-F, Amendment 25, covering fresh fruits and vegetables in Haines, Wallowa, Enterprise, Oregon Area. Filed 10:17 a. m.

Portland Order 29-F, Amendment 23, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:18 a. m.

Portland Order 30-F, Amendment 16, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:18 a. m.

Portland Order 30-F, Amendment 18, covering fresh fruits and vegetables in certain areas in Oregon. Filed 10:18 a. m.

Portland Order 31-F, Amendment 13, covering fresh fruits and vegetables in the Hood River-Clatskanie-Memlinville, Oregon and Camas, Wash. Area. Filed 10:18 a. m.

San Francisco Order 1-M, covering malt beverages in certain areas in California. Filed 10:19 a. m.

San Francisco Order 13-F, Amendment 20, covering fresh fruits and vegetables in certain areas in California. Filed 10:18 a. m.

San Francisco Order 14-F, Amendment 20, covering fresh fruits and vegetables in certain areas in California. Filed 10:18 a. m.

San Francisco Order 15-F, Amendment 21, covering fresh fruits and vegetables in certain areas in California. Filed 10:19 a. m.

San Francisco Order 16-F, Amendment 20, covering fresh fruits and vegetables in Del Norte and Humboldt Counties Except Eureka. Filed 10:19 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-18880; Filed, Oct. 11, 1945; 1:15 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS

The following orders under Revised General Order 51 were filed with the Division of the Federal Register October 4, 1945.

REGION I

Boston Order 8-F, Amendment 17, covering fresh fruits and vegetables in certain areas in Massachusetts. Filed 9:23 a. m.

Concord Order 4-W, Amendment 1, covering dry groceries. Filed 9:29 a. m.

Concord Order 9-F, Amendment 21, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 9:37 a. m.

Concord Order 17, Amendment 1, covering dry groceries. Filed 9:29 a. m.

Providence Order 3-F, Amendment 20A, covering fresh fruits and vegetables in certain areas in New Hampshire. Filed 9:27 a. m.

REGION II

Buffalo Order 3-F, Amendment 29, covering fresh fruits and vegetables in certain areas in New York. Filed 9:37 a. m.

Buffalo Order 4-F, Amendment 29, covering fresh fruits and vegetables in certain areas in New York. Filed 9:27 a. m.

Harrisburg Order 2-F, Amendment 43, covering fresh fruits and vegetables in certain areas in New York. Filed 9:36 a. m.

Newark Order 1-P, Amendment 9, covering fresh fish and seafood. Filed 9:29 a. m.

Newark Order 7-F, Amendment 24, covering fresh fruits and vegetables in certain counties in New Jersey. Filed 9:29 a. m.

New York Order 9-F, Amendment 32, covering fresh fruits and vegetables in the five boroughs of New York City. Filed 9:36 a. m.

New York Order 10-F, Amendment 32, covering fresh fruits and vegetables in all of Nassau and Westchester Counties, New York. Filed 9:36 a. m.

New York Order 13-F, Amendment 4, covering fresh fruits and vegetables in certain counties in New York. Filed 9:36 a. m.

Philadelphia Order 6-F, Amendment 47, covering fresh fruits and vegetables in the city and county of Philadelphia, Pennsylvania. Filed 9:38 a. m.

Philadelphia Order 11-F, Amendment 22, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:39 a. m.

Philadelphia Order 12-F, Amendment 22, covering fresh fruits and vegetables in certain counties in Pennsylvania. Filed 9:39 a. m.

Pittsburgh Order 16, covering dry groceries in certain areas in Pennsylvania. Filed 9:32 a. m.

Pittsburgh Order 17, covering dry groceries in certain areas in Pennsylvania. Filed 9:32 a. m.

Pittsburgh Order 19, covering dry groceries in certain areas in Pennsylvania. Filed 9:33 a. m.

Pittsburgh Order 20, covering dry groceries in certain areas in Pennsylvania. Filed 9:33 a. m.

Scranton Order 4-F, Amendment 43, covering fresh fruits and vegetables in certain areas in Pennsylvania. Filed 9:39 a. m.

Syracuse Order 1-D, covering butter and cheese. Filed 9:26 a. m.

Syracuse Order 2-D, covering butter and cheese. Filed 9:26 a. m.

Trenton Order 6-W, covering dry groceries in certain counties in New Jersey. Filed 9:27 a. m.

Trenton Order 46, covering dry groceries in certain areas in New Jersey. Filed 9:27 a. m.

Trenton Order 46, Amendment 1, covering dry groceries in certain areas in New Jersey. Filed 9:27 a. m.

Trenton Order 47, covering dry groceries in certain areas in New Jersey. Filed 9:27 a. m.

Trenton Order 48, covering dry groceries in certain areas in New Jersey. Filed 9:27 a. m.

Wilmington Order 4-F, Amendment 54, covering fresh fruits and vegetables in the entire state of Delaware. Filed 9:39 a. m.

Williamsport Order 7-W, Amendment 1, covering dry groceries in certain counties in Pennsylvania. Filed 9:28 a. m.

Williamsport Order 26, covering dry groceries in certain counties in Pennsylvania. Filed 9:28 a. m.

Williamsport Order 27, covering dry groceries in certain counties in Pennsylvania. Filed 9:28 a. m.

Williamsport Order 28, Amendment 1, covering dry groceries in certain counties in Pennsylvania. Filed 9:28 a. m.

REGION III

Cincinnati Order 4-F, Amendment 39, covering fresh fruits and vegetables in all of Hamilton County, Ohio. Filed 9:39 a. m.

Cincinnati Order 8-F, Amendment 9, covering fresh fruits and vegetables in certain counties in Ohio. Filed 9:40 a. m.

Grand Rapids Order 1-O, Amendment 1, covering eggs in certain counties in Michigan. Filed 9:37 a. m. (Appendix B).

Grand Rapids Order 1-O (Appendix C), Amendment 1, covering eggs in certain counties in Michigan. Filed 9:38 a. m.

Grand Rapids Order 1-O (Appendix B), Amendment 2, covering eggs in certain counties in Michigan. Filed 9:38 a. m.

Grand Rapids Order 1-O (Appendix C), Amendment 2, covering eggs in certain counties in Michigan. Filed 9:38 a. m.

Indianapolis Order 1-O, Amendment 1, covering eggs in certain counties in Indiana. Filed 9:38 a. m.

Indianapolis Order 2-O, Amendment 1, covering eggs in certain counties in Indiana. Filed 9:38 a. m.

Louisville Order 1-D, covering butter and cheese in the Louisville Area and Clark and Floyd Counties, Indiana. Filed 9:25 a. m.

Louisville Order 2-D, covering butter and cheese in the Louisville Area and in Clark and Floyd Counties, Indiana. Filed 9:25 a. m.

REGION IV

Memphis Order 7-F, Amendment 19, covering fresh fruits and vegetables in certain areas in Tennessee. Filed 9:24 a. m.

Memphis Order 9-W, Amendment 2, covering dry groceries in the Memphis Area. Filed 9:25 a. m.

Memphis Order 24, Amendment 2, covering dry groceries in the Memphis Area. Filed 9:24 a. m.

Montgomery Order 20-F, Amendment 43, covering fresh fruits and vegetables in the Montgomery, Alabama, Area. Filed 9:25 a. m.

Montgomery Order 21-F, Amendment 48, covering fresh fruits and vegetables in the Montgomery, Alabama, Area. Filed 9:24 a. m.

Montgomery Order 22-F, Amendment 49, covering fresh fruits and vegetables in the Montgomery, Alabama, Area. Filed 9:24 a. m.

Montgomery Order 23-F, Amendment 17, covering fresh fruits and vegetables in the Montgomery, Alabama, Area. Filed 9:23 a. m.

Montgomery Order 24-F, Amendment 46, covering fresh fruits and vegetables in the Montgomery, Alabama, Area. Filed 9:23 a. m.

REGION V

Dallas Order 4-F, Amendment 9, covering fresh fruits and vegetables in certain areas in Texas. Filed 9:30 a. m.

Lubbock Order 3-W, covering dry groceries in certain areas in Texas. Filed 9:31 a. m.

Lubbock Order 19, covering dry groceries in certain areas in Texas. Filed 9:31 a. m.

REGION VI

Chicago Order 2-D, covering butter and cheese in the Chicago Area. Filed 9:23 a. m.

Fargo-Moorhead Order 1-F, Amendment 17, covering fresh fruits and vegetables in cer-

tain counties in North Dakota. Filed 9:30 a. m.

Fargo-Moorhead Order 2-F, Amendment 17, covering fresh fruits and vegetables in certain counties in North Dakota. Filed 9:31 a. m.

Fargo-Moorhead Order 3-F, Amendment 17, covering fresh fruits and vegetables in certain counties in North Dakota. Filed 9:31 a. m.

REGION VII

Albuquerque Order 9-F, Amendment 13, covering fresh fruits and vegetables in certain areas in New Mexico. Filed 9:31 a. m.

Albuquerque Order 10-F, Amendment 14, covering fresh fruits and vegetables in certain areas in New Mexico. Filed 9:31 a. m.

Albuquerque Order 11-F, Amendment 15, covering fresh fruits and vegetables. Filed 9:32 a. m.

Albuquerque Order 12-F, Amendment 14, covering fresh fruits and vegetables. Filed 9:32 a. m.

San Francisco Order 14, covering dry groceries in certain areas in California. Filed 9:33 a. m.

San Francisco Order 15, covering dry groceries in certain areas in California. Filed 9:34 a. m.

San Francisco Order 16, covering dry groceries in certain areas in California. Filed 9:34 a. m.

San Francisco Order 17, covering dry groceries in certain areas in California. Filed 9:34 a. m.

San Francisco Order 18, covering dry groceries in certain areas in California. Filed 9:34 a. m.

San Francisco Order 19, covering dry groceries in certain areas in California. Filed 9:34 a. m.

San Francisco Order 20, covering dry groceries in certain counties in California. Filed 9:35 a. m.

San Francisco Order 21, covering dry groceries in certain counties in California. Filed 9:35 a. m.

San Francisco Order 22, covering dry groceries in certain counties in California. Filed 9:35 a. m.

San Francisco Order 23, covering dry groceries in certain counties in California. Filed 9:35 a. m.

Copies of any of these orders may be obtained from the OPA Office in the designated city.

ERVIN H. POLLACK,
Secretary.

[F. R. Doc. 45-18881; Filed, Oct. 11, 1945; 1:15 p. m.]

[Region I Order G-70 Under RMPR 122, Amdt. 62]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, subparagraph (6) (Appendix 6, Specified Bituminous Coal, Hartford, Connecticut, Area) of paragraph (c) of Region I Order No. G-70 under Revised Maximum Price Regulation No. 122 is amended in the following respects:

1. In paragraph (b), the table of prices is amended to read as follows:

| Kind of coal | Customer classification | | | |
|--------------------------------------|-------------------------|----------|------------|-------------|
| | Less than 10 | 10 to 99 | 100 to 299 | 300 or over |
| Screened lump..... | \$12.00 | \$11.00 | \$10.50 | \$10.25 |
| Run-of-mine..... | 11.31 | 10.31 | 9.81 | 9.56 |
| Hughes modified run-of-mine..... | 11.83 | 10.83 | 10.33 | 10.08 |
| Big Vein Dealer run-of-mine..... | 11.73 | 10.73 | 10.23 | 9.98 |
| Broad Top run-of-mine..... | 11.58 | 10.58 | 10.08 | 9.83 |
| Big Sewell 2 3/4" nut and slack..... | 11.50 | 10.50 | 10.00 | 9.75 |
| Nut and slack..... | 11.15 | 10.15 | 9.65 | 9.40 |
| Stoker pea..... | 11.15 | 10.15 | 9.65 | 9.40 |
| Eureka Lump run-of-mine..... | 11.53 | 10.53 | 10.03 | 9.78 |
| Sonman Lump run-of-mine..... | 11.53 | 10.53 | 10.03 | 9.78 |
| Glenmar Lump run-of-mine..... | 11.48 | 10.48 | 9.98 | 9.73 |
| Golden Ridge run-of-mine..... | 11.58 | 10.58 | 10.08 | 9.83 |

NOTE: The above prices are for deep mine bituminous coals and for coals from strip mines in Producing District No. 1 which have by order been given permission to charge the deep mine price pursuant to Maximum Price Regulation No. 120, § 1340.210 (a) (16). The prices for strip mine coals from Producing District No. 1 which have not been granted such permission shall be the prices originally contained in this Appendix 6 as set forth in Amendment No. 6 to Region I Order No. G-70.

This Amendment No. 6 shall become effective September 24, 1945.

Issued this 17th day of September 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-18894; Filed, Oct. 11, 1945; 1:21 p. m.]

[Region I Order G-73 Under RMPR 122, Amdt. 2]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G-73 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

1. In Appendix A, a provision for a new named coal, "Winton," is added to read as follows:

| | Broken | Egg | Stove | Nut | Pea | Buckwheat | Rice | Barley |
|--------------------|--------|-----|-------|-----|-----|-----------|------|--------|
| (31) "Winton"..... | .25 | .25 | .25 | .25 | .25 | .25 | .25 | |

("Winton" includes anthracite produced and prepared by the Winton Coal Mining Company at its South Tamaqua Breaker located at South Tamaqua, Pennsylvania.)

This Amendment No. 2 shall become effective September 12, 1945.

Issued this 11th day of September 1945.

ELDEN C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-18893; Filed, Oct. 11, 1945;
1:20 p. m.]

[Region I Order G-73 Under RMPR 122,
Amdt. 3]

SOLID FUELS IN BOSTON REGION

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by §§ 1340.259 (a) (1) and 1340.260 of Revised Maximum Price Regulation No. 122 and the Emergency Price Control Act of 1942, as amended, Region I Order No. G-73 under Revised Maximum Price Regulation No. 122 is hereby amended in the following respects:

(1) In Appendix A, the permitted net ton increase for "Eagle Hill" is amended to read as follows:

| | Broken | Egg | Stove | Nut | Pea | Buckwheat | Rice | Barley |
|-----------------|--------|-----|-------|-----|-----|-----------|------|--------|
| Eagle Hill..... | .30 | .30 | .30 | .30 | .30 | .30 | .30 | ---- |

This Amendment No. 3 shall become effective as of August 6, 1945.

Issued this 17th day of September 1945.

ELDON C. SHOUP,
Regional Administrator.

[F. R. Doc. 45-18892; Filed, Oct. 11, 1945;
1:20 p. m.]

[Region II Order G-5 Under RMPR 251]

INSTALLED RE-SIDING AND RE-ROOFING AND RELATED AND INCIDENTAL CONSTRUCTION WORK IN BALTIMORE, Md. AREA

An opinion accompanying this order issued simultaneously herewith, has been filed with the Division of Federal Register.

In the judgment of the Regional Administrator of Region II of the Office of Price Administration, the maximum prices established and the regulations prescribed by this order are generally fair and equitable, are necessary to effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9599, and do not exceed the general level of prices fixed by Revised Maximum Price Regulation No. 251, and the general level of prices in the area.

Therefore, under the authority vested in the Regional Administrator of Region II of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and by section 9 of Revised Maximum Price Regulation No. 251, this order is hereby issued.

SECTION 1. Transactions covered by this order. This order covers all sales of composition re-siding and re-roofing on

No. 202—5

an installed basis, together with accessories on residential structures in the area hereinafter described. It also includes related and incidental construction work when sold by installers of re-siding and re-roofing, whether such sale is made as a part of a general contract or not.

The term "composition re-siding" includes asphalt shingle re-siding, asbestos cement re-siding, insulated brick or stone re-siding and roll brick re-siding but shall not include wood shingles or wood re-siding.

The term "re-roofing" includes composition re-roofing such as asphalt shingles and mineral surface roll re-roofing and smooth surface roll re-roofing but does not include wood, metal or slate re-roofing.

The term "related" and "incidental" construction work means any installation of building materials or construction work other than installed re-roofing and re-siding, when sold by installers of re-roofing and re-siding.

SEC. 2. Relationship of this order to Revised Maximum Price Regulation No. 251. (a) The provisions of this order supersede sections 6, 7 and 8 of Revised Maximum Price Regulation No. 251 with respect to sales of re-roofing and composition re-siding on an installed basis on residential structures and with respect to related and incidental construction work sold by installers of composition re-siding and re-roofing on an installed basis. All other provisions of Revised Maximum Price Regulation No. 251 are applicable to transactions subject to this order unless otherwise provided in this order.

(b) On and after the effective date of this order, regardless of any contract or other obligation, no person shall sell, offer to sell or deliver composition re-siding and re-roofing on residential structures on an installed basis or related and incidental construction work as herein defined at prices higher than the maximum prices established by this order: *Provided*, That deliveries made not more than thirty days after the effective date of this order on bona fide contracts executed prior to the effective date of this order shall not be considered to be violations of this order.

(c) An employer paying or about to pay labor rates higher than those in effect for him on the effective date of this order by reason of the predetermination of wage rates by the Secretary of Labor under the Davis-Bacon Act or any order or authorization of the Wage Adjustment Board, National War Labor Board or Economic Stabilization Director, may file an application for an amendment of this order to reflect such increased labor rates. Such a petition for amendment shall conform in all respects to the provisions of Revised Procedural Regulation No. 1, except that it shall be filed with the New York Regional Office of the Office of Price Administration.

SEC. 3. Applicability. This order shall apply in the Baltimore, Md. area which includes all counties in the State of Maryland.

SEC. 4. Maximum prices for sales of composition re-siding and re-roofing on

an installed basis. The maximum prices for sales of composition re-siding and re-roofing on an installed basis on residential structures shall be as shown in the following tables, known as Tables I and II, and shall be upon a price per square basis. Table I covers prices for composition re-siding and accessories, and Table II covers prices for re-roofing and accessories.

TABLE I—COMPOSITION RE-SIDING PRICES

Asbestos cement re-siding, standard surface hardness, 12 x 24" or 12 x 27": \$24.00 per square.
Asbestos cement re-siding of extra hard surface, 12 x 24" or 12 x 27": \$27.00 per square.
Insulated brick or stone re-siding, 14 3/8 x 43 3/8", 13 3/8 x 43 3/8" and 14 x 43": \$30.00 per square.
Asphalt strip type re-siding, 167 lbs.: \$15.00 per square.
Giant individual shingle re-siding, laid wide space method, 7 1/2" exposure (When this shingle is laid in wide space other than 7 1/2" exposure, American method, Dutch lap method or other methods, the price varies from the above in proportion to the quantity of material used): \$16.00 per square.
Roll brick re-siding: \$16.00 per square.

The above prices include nails, caulking, joint strips and one bundle of lath.

RE-SIDING ACCESSORIES FOR WHICH EXTRA CHARGES MAY BE MADE AS STATED BELOW

Corner pieces for asphalt brick re-siding: 40¢ per ft.
Rolled corners on roll brick re-siding: 25¢ per ft.
Soldier course on insulated brick: 15¢ per ft.
Soldier course on roll brick: 10¢ per ft.
Zinc corner bead: 15¢ per ft.
Lath (400 ft. per bundle) after first bundle: \$4.00 per bundle.
15-lb. felt: \$1.50 per square.
30-lb. felt and smooth surface rolls: \$2.50 per square.
35-lb. felt smooth surface rolls in 12" widths: \$3.00 per square.
Building paper: \$1.00 per square.
Moulding (quarter round to 3/4" and band up to 1 1/2"): 5¢ per ft.
Rabbitted moulding: 14¢ per ft.
Backer board: \$4.00 per square.
Removing stucco: \$5.00 per square.
All shingles above the second floor ceiling, extra charge: \$3.00 per square.
Applying shingles to the second floor when the first floor is not covered, extra charge: \$2.00 per square.

TABLE II—RE-ROOFING PRICES

12" (3 in line) strip shingle, 210 lbs.: \$16.00 per square.
11 1/2" hexagon strip shingle, 167 lbs.: \$14.00 per square.
Re-roofer type shingle standard weight 135 to 140 lbs.: \$14.00 per square.
Re-roofer type heavy weight, 160 to 162 lbs.: \$15.00 per square.
Giant individual Dutch lap method 160 to 162 lbs., with clips (when this shingle is laid in American method or other methods, the price varies from above in proportion to the quantity of material used): \$15.00 per square.
Diamond point roll re-roofing 18" width (apply to roofs having a pitch of 1-5"): \$11.00 per square.
Diamond point roll re-roofing 18" width (apply to roofs having a pitch greater than 1-5"): \$13.00 per square.
Slate surface roll re-roofing, 90 lbs. (apply to roofs having a pitch of 1-5"): \$8.00 per square.
Slate surface roll re-roofing, 90 lbs. (apply to roofs having a pitch greater than 1-5"): \$10.00 per square.

Smooth surface roll re-roofing, 55 lbs.: \$7.00 per square.
 Smooth surface roll re-roofing, 65 lbs.: \$8.00 per square.
 Smooth surface roll re-roofing in plastic slate, 55 lbs.: \$11.00 per square.
 Smooth surface roll re-roofing in plastic slate, 65 lbs.: \$12.00 per square.
 Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive, 55 lbs.: \$20.00 per square.
 Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive, 65 lbs.: \$21.00 per square.
 Double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive, 45 lbs.: \$19.00 per square.
 Cap sheet double coverage smooth surface roll re-roofing in plastic slate or other cold adhesive, 34 lbs.: \$16.50 per square.

The above prices include nails, mastic and flashing around chimneys and vents.

RE-ROOFING ACCESSORIES FOR WHICH EXTRA CHARGES MAY BE MADE AS STATED BELOW

Hip and ridge shingles: 15¢ per ft.
 Slate surface rolls, 90 lbs. (used on valleys, ridges or other sections of roofs): \$8.00 per square.
 15-lb. felt: \$1.50 per square.
 30-lb. felt: \$2.50 per square.
 35-lb. smooth surface rolls (when cut in 12" widths): \$3.00 per square.
 Lath (400 ft. per bundle) after 1st bundle: \$4.00 per bundle.
 Bevel boards (per 100 lineal ft.): \$1.70.
 Backer board: \$4.00 per square.
 Single drip course of wood shingles: 25¢ per ft.
 Double drip course of wood shingles: 45¢ per ft.
 Rake strip for drip course of wood 5/4 x 3" (wider boards priced proportionately): 25¢ per ft.
 Yankee gutters relined: 25¢ per ft.
 Box gutters relined: 35¢ per ft.
 Replaced boards on Yankee gutters: 30¢ per ft.
 Galvanized tubes without flange: \$1.50 per tube.
 Galvanized tubes with flange: \$2.00 per tube.
 Galvanized eave strip or rake strip: 15¢ per ft.
 To remove wooden, asphalt, asbestos or slate shingles: \$5.00 per square.

On all sales of composition re-siding and re-roofing on an installed basis covered by this order, where the maximum price of the entire job figured in accordance with Tables I and II of this order is less than \$50.00, the seller may make a minimum charge of \$50.00.

On all sales of composition re-siding and re-roofing on an installed basis covered by this order, an additional charge of 50% of the maximum price per square may be made for the actual areas only which consist of the following on re-siding jobs: bay windows, towers, eye brows, dormer gables and dormer cheeks, porch columns, bulkheads and arches; on re-roofing jobs—towers, eye brows, bay windows, overhangs and shelves.

SEC. 5. Guaranteed price. A seller may sell a composition re-siding or re-roofing job covered by this order on the basis of a guaranteed price, but such guaranteed price must not be higher than the maximum price figured in accordance with the pricing methods and requirements of this order.

SEC. 6. Related and incidental construction work. If on any job, any installed building materials are furnished or any construction service performed by

the seller, other than composition re-siding and re-roofing, the cost of such work shall not be included in the cost of installed composition re-siding and re-roofing, but shall be separately priced and billed on all invoices. The maximum price of any such related and incidental work shall be determined under Revised Maximum Price Regulation No. 251.

SEC. 7. Measurements. It shall be the seller's responsibility to measure with reasonable accuracy the area or footage to be covered. A "measurement with reasonable accuracy" shall be considered to have been made if the price based on such estimate does not vary by more than 10% from the maximum price computed under the terms of this order.

SEC. 8. Notification. Every person making sales subject to this order shall, if requested by the purchaser, make available to the purchaser a copy of this order and a copy of Revised Maximum Price Regulation No. 251. Upon completion of any contract for installed re-siding and/or re-roofing, and/or related and incidental construction work, the seller, if requested by the purchaser, must furnish to him an itemized statement showing the number of squares, the maximum price per square of re-siding and re-roofing installed, a list of all extras and the quantities and price of each and a separate statement of any related and incidental construction work other than installed re-siding and re-roofing giving a description of such work and an itemized statement of the prices thereof. The seller shall also include in such statement the date on which the installation was completed, the names and addresses of the sellers and buyers and the terms of sale.

SEC. 9. Evasion. Any practice or device which results in a higher price to the purchaser of composition re-siding and re-roofing on an installed basis and/or related and incidental construction work than is permitted by this order is as much a violation as an outright over ceiling charge and subjects the seller to all the penalties provided by Revised Maximum Price Regulation No. 251.

SEC. 10. Records. All sellers of installed composition re-siding and re-roofing and/or related and incidental construction work covered by the terms of this order must keep records concerning each sale subject to this order, including the name and address of the purchaser, the location of the job, the date of the transaction, a description of the materials and services involved, the number of squares and price per square of re-siding and re-roofing, a list of all extras permitted under Tables I and II of this order with the quantity and price of each, and a separate statement of any related and incidental construction work. All such records shall be made available for inspection by representatives of the Office of Price Administration so long as the Emergency Price Control Act of 1942, as amended, remains in effect.

SEC. 11. Revocation or amendment. This order may be revised, amended, re-

voked or modified at any time by the Office of Price Administration.

This order shall become effective October 14, 1945.

Issued this 3d day of October 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-18885; Filed, Oct. 11, 1945; 1:17 p. m.]

[Region II Order G-20 Under RMPR 122, Amdt. 2]

SOLID FUELS IN SUSSEX, MORRIS AND UNION COUNTIES, N. J.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1340.260 of Revised Maximum Price Regulation No. 122, Order No. G-20 is amended in the following respects:

1. Paragraphs (d) (1), (d) (2) and (d) (3) are amended by revising prices as follows:

(1) Sales on a "direct delivery" basis.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

| Size | Per net ton | Per net ½ ton | Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton |
|----------------------------|-------------|---------------|---|
| Broken, egg, stove, nut... | \$14.85 | \$7.95 | \$0.95 |
| Pea..... | 13.40 | 7.20 | .85 |
| Buckwheat..... | 11.15 | 6.10 | .75 |
| Rice..... | 10.35 | 5.70 | |
| Barley..... | 8.95 | 5.00 | |
| Screenings..... | 5.05 | | |

(2) "Yard sales".

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED TO DEALERS AND TO CONSUMERS

| Size | Per net ton, for sales of ½ ton or more | | Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton |
|----------------------------|---|--------------|---|
| | To dealers for resale | To consumers | |
| Broken, egg, stove, nut... | \$13.10 | \$13.85 | \$0.80 |
| Pea..... | 11.40 | 12.40 | .70 |
| Buckwheat..... | 9.65 | 10.15 | .60 |
| Rice..... | 8.85 | 9.35 | |
| Barley..... | 7.45 | 7.95 | |
| Screenings..... | 3.25 | 3.25 | |

(3) "Sales of bagged coal" (maximum prices per bag).

MAXIMUM PRICES PER 50 LB. PAPER BAG

| Size | Delivered at dealer's yard | | Delivered to retail stores | Sales to ultimate consumer |
|----------|----------------------------|--------------|----------------------------|----------------------------|
| | To dealers | To consumers | | |
| Nut..... | \$0.395 | \$0.445 | \$0.445 | \$0.495 |
| Pea..... | .34 | .39 | .39 | .44 |

MAXIMUM PRICES PER 25 LB. PAPER BAG

| | | | | |
|----------|--------|--------|--------|--------|
| Nut..... | \$0.20 | \$0.22 | \$0.22 | \$0.27 |
|----------|--------|--------|--------|--------|

MAXIMUM PRICES PER 12 LB. PAPER BAG

| Size | Delivered at dealer's yard | Delivered to retail stores | Sales to ultimate consumer |
|----------|----------------------------|----------------------------|----------------------------|
| Nut..... | \$0.10 | \$0.11 | \$0.13 |

2. Paragraphs (e) (1), (e) (2) and (e) (3) are amended to read as follows:

(1) Sales on a "direct delivery" basis.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

| Size | Per net ton | Per net ½ ton | Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton |
|-----------------------------|-------------|---------------|---|
| Broken, egg, stove, nut.... | \$14.60 | \$7.65 | \$0.90 |
| Pea..... | 12.90 | 6.80 | .80 |
| Buckwheat..... | 10.40 | 5.55 | .70 |
| Rice..... | 9.55 | 5.15 | ----- |
| Barley..... | 8.15 | 4.45 | ----- |
| Screenings..... | 4.65 | 2.35 | ----- |

(2) "Yard sales".

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED—TO DEALERS AND TO CONSUMERS

| Size | Per net ton, for sales of ½ ton or more | | Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton |
|-----------------------------|---|--------------|---|
| | To dealers for resale | To consumers | |
| Broken, egg, stove, nut.... | \$13.10 | \$13.60 | \$0.80 |
| Pea..... | 11.40 | 11.90 | .70 |
| Buckwheat..... | 8.90 | 9.40 | .60 |
| Rice..... | 8.05 | 8.55 | ----- |
| Barley..... | 6.65 | 7.15 | ----- |
| Screenings..... | 3.25 | 3.35 | ----- |

(3) "Sales of bagged coal" (maximum prices per bag).

MAXIMUM PRICES PER 50 LB. PAPER BAG

| Size | Delivered at dealer's yard | | Delivered to retail stores | Sales to ultimate consumer |
|----------|----------------------------|--------------|----------------------------|----------------------------|
| | To dealers | To consumers | | |
| Nut..... | \$0.395 | \$0.445 | \$0.445 | \$0.495 |
| Pea..... | .34 | .39 | .39 | .44 |

MAXIMUM PRICES PER 25 LB. PAPER BAG

| | | | | |
|----------|--------|--------|--------|--------|
| Nut..... | \$0.20 | \$0.22 | \$0.22 | \$0.27 |
|----------|--------|--------|--------|--------|

MAXIMUM PRICES PER 12 LB. PAPER BAG

| Size | Delivered at dealer's yard | Delivered to retail stores | Sales to ultimate consumer |
|----------|----------------------------|----------------------------|----------------------------|
| Nut..... | \$0.10 | \$0.11 | \$0.13 |

3. Paragraphs (f) (1), (f) (2), and (f) (3) are amended to read as follows:

(1) Sales on a "direct-delivery" basis.

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED

| Size | Per net ton | Per net ½ ton | Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton |
|-----------------------------|-------------|---------------|---|
| Broken, egg, stove, nut.... | \$14.10 | \$7.55 | \$0.90 |
| Pea..... | 12.65 | 6.85 | .80 |
| Buckwheat..... | 10.15 | 5.60 | .70 |
| Rice..... | 9.10 | 5.05 | ----- |
| Barley..... | 7.70 | 4.35 | ----- |
| Screenings..... | 4.65 | 2.35 | ----- |

(2) "Yard sales".

FOR SALES OF ANTHRACITE OF THE SIZES AND IN THE QUANTITIES SPECIFIED TO DEALERS AND TO CONSUMERS

| Size | Per net ton, for sales of ½ ton or more | | Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton |
|-----------------------------|---|--------------|---|
| | To dealers for resale | To consumers | |
| Broken, egg, stove, nut.... | \$11.95 | \$13.10 | \$0.80 |
| Pea..... | 10.65 | 11.65 | .70 |
| Buckwheat..... | 8.35 | 9.15 | .60 |
| Rice..... | 7.40 | 8.10 | ----- |
| Barley..... | 6.10 | 6.70 | ----- |
| Screenings..... | 3.25 | 3.25 | ----- |

(3) "Sales of bagged coal" (maximum prices per bag).

MAXIMUM PRICES PER 50 LB. PAPER BAG

| Size | Delivered at dealer's yard | | Delivered to retail stores | Sales to ultimate consumer |
|----------|----------------------------|--------------|----------------------------|----------------------------|
| | To dealers | To consumers | | |
| Nut..... | \$0.395 | \$0.445 | \$0.445 | \$0.495 |
| Pea..... | .34 | .39 | .39 | .44 |

MAXIMUM PRICES PER 25 LB. PAPER BAG

| | | | | |
|----------|--------|--------|--------|--------|
| Nut..... | \$0.20 | \$0.22 | \$0.22 | \$0.27 |
|----------|--------|--------|--------|--------|

MAXIMUM PRICES PER 12 LB. PAPER BAG

| Size | Delivered at dealer's yard | Delivered to retail stores | Sales to ultimate consumer |
|----------|----------------------------|----------------------------|----------------------------|
| Nut..... | \$0.10 | \$0.11 | \$0.13 |

This Amendment No. 2 to Order No. G-20 shall become effective as of June 18, 1945.

(56 Stat. 23, 765; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871 and E.O. 9328, 8 F.R. 4681)

Issued this 22d day of August 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-18891; Filed, Oct. 11, 1945; 1:19 p. m.]

[Region II Order G-63 Under RMPR 122, Amdt. 1]

SOLID FUELS IN WASHINGTON, FREDERICK AND MONTGOMERY COUNTIES, MD.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, Order No. G-63 is amended in the following respects:

1. Paragraphs (d) (1) and (d) (2) are amended to read as follows:

(1) Sales on a "direct-delivery" basis.

FOR SALES OF BITUMINOUS COAL OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED

| Kind and size of coal | Per net ton | Per net ½ ton | Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton) |
|--|-------------|---------------|---|
| Low volatile bituminous coal from District No. 1 (underground mines): | | | |
| Lump or egg (size group 1, price classification "A" to "E" inclusive)..... | \$9.53 | \$5.02 | \$0.60 |
| Run-of-mine (size group 3, price classification "D" to "H" inclusive)..... | 8.93 | 4.72 | .55 |
| Nut and slack (size groups 4 or 5)..... | 8.93 | 4.72 | .55 |
| High volatile bituminous coal from District No. 3: | | | |
| Run-of-mine (size group 5)..... | 8.33 | 4.42 | .55 |
| Low volatile bituminous coal from District No. 7: | | | |
| Stove (size group 3, price classification "A"-"D")..... | 10.85 | 5.67 | .65 |
| Nut (size group 4, price classification "A"-"E")..... | 9.85 | 5.17 | .60 |
| Pea (size group 5, price classification "A")..... | 9.40 | 4.95 | .60 |

(2) "Yard sales".

FOR SALES OF BITUMINOUS COAL OF THE KINDS AND SIZES AND IN THE QUANTITIES SPECIFIED

| Kind and size of coal | Per net ton for sales of ½ ton or more | Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton) |
|--|--|--|
| Low volatile bituminous coal from District No. 1 (underground mines): | | |
| Lump or egg (size Group I, price classification "A" to "E" incl.)..... | \$8.78 | \$0.55 |
| Run-of-mine (size group 3, price classification "D" to "H" incl.)..... | 8.18 | .50 |
| Nut and slack (size groups 4 or 5)..... | 8.18 | .50 |
| High volatile bituminous coal from District 3: Run-of-mine (size Group 5)..... | 7.58 | .50 |
| Low volatile bituminous coal from District No. 7: | | |
| Stove (size group 3, price classification "A"-"D")..... | 10.10 | .60 |
| Nut (size group 4, price classification "A"-"E")..... | 9.10 | .55 |
| Pea (size group 5, price classification "A")..... | 8.65 | .55 |

2. Paragraph (e) (1) and (e) (2) are amended to read as follows:

(1) Sales on a "direct-delivery" basis.

FOR SALES OF BITUMINOUS COAL OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED

| Kind and size of coal | Per net ton | Per net ½ ton | Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton) |
|---|-------------|---------------|---|
| Low volatile bituminous coal from District No. 1 (underground mines): | | | |
| Lump or egg (size group 1, price classification "D" to "E" incl.) | \$9.03 | \$5.02 | \$0.60 |
| Run-of-mine (size group 3, price classification "D") | 8.58 | 4.79 | .55 |
| Low volatile bituminous coal from District No. 7: | | | |
| Stove (size group 3, price classification "A") | 10.35 | 5.68 | .65 |
| Pea (size group 5, price classification "A") | 9.05 | 5.02 | .60 |

(2) "Yard sales".

FOR SALES OF BITUMINOUS COAL OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED

| Kind and size of coal | Per net ton for sales of ½ ton or more | Per 100 lbs. (for sales of 100 lbs. or more but less than ½ ton) |
|---|--|--|
| Low volatile bituminous coal from District No. 1 (underground mines): | | |
| Lump or egg (size group 1, price classification "D" to "E" incl.) | \$8.03 | \$0.55 |
| Run-of-mine (size group 3, price classification "D") | 7.58 | .50 |
| Low volatile bituminous coal from District No. 7: | | |
| Stove (size group 3, price classification "A") | 9.35 | .60 |
| Pea (size group 5, price classification "A") | 8.05 | .55 |

3. Paragraphs (f) (1) and (f) (2) are amended to read as follows:

(1) Sales on a "direct-delivery" basis.

FOR SALES OF BITUMINOUS COAL OF THE KINDS AND SIZES AND IN THE QUANTITIES SPECIFIED

| Kind and size of coal | Per net ton | Per net ½ ton | Per 100 lbs. (for sales of 100 lbs. or more, but less than ½ ton) |
|---|-------------|---------------|---|
| Low volatile bituminous coal from district No. 1 (underground mines): | | | |
| Lump or egg (size group 1, price classification "E" to "H") | \$8.33 | \$4.42 | \$0.55 |
| Run-of-mine (size group 3, price classification "D" to "H" incl.) | 7.53 | 4.02 | .50 |
| High volatile bituminous coal from district No. 3: | | | |
| Stoker (size group 4, price classification "D" to "F" incl.) | 7.53 | 4.02 | .80 |
| Low volatile bituminous coal from district No. 7: | | | |
| Egg (size group 2) | 9.80 | 5.15 | .60 |
| Stove (size group 3) | 9.45 | 4.97 | .60 |
| Nut (size group 4) | 8.70 | 4.60 | .55 |
| Pea (size group 5) | 8.35 | 4.48 | .55 |
| Run-of-mine (size group 6) | 8.50 | 4.50 | .55 |

(2) "Yard sales".

FOR SALES OF BITUMINOUS COAL OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED, TO DEALERS AND TO CONSUMERS

| Kind and size of coal | Per net ton, for sales of ½ ton or more | | Per 100 lbs. for sales of 100 lbs. or more, but less than ½ ton |
|---|---|--------------|---|
| | To dealers for resale | To consumers | |
| Low volatile bituminous coal from district No. 1 (underground mines): | | | |
| Lump or egg (size group 1, price classification "E" to "H" incl.) | \$7.33 | \$7.58 | \$0.50 |
| Run-of-mine (size group 3, price classification "D" to "H" incl.) | 6.53 | 6.78 | .45 |
| High volatile bituminous coal from District No. 3: | | | |
| Stoker (size group 4, price classification "D" to "F" incl.) | 6.53 | 6.78 | .50 |
| Low volatile bituminous coal from district No. 7: | | | |
| Egg (size group 2) | 8.80 | 9.05 | .55 |
| Stove (size group 3) | 8.45 | 8.70 | .55 |
| Nut (size group 4) | 7.70 | 7.95 | .50 |
| Pea (size group 5) | 7.35 | 7.60 | .50 |
| Run-of-mine (size group 6) | 7.50 | 7.75 | .50 |

4. Paragraph (g) is amended to read as follows:

(g) Addition by dealers of charges for oil or chemical treatment of bituminous coal. Notwithstanding other provisions of this order, if you are a dealer charged a price for oil or chemical treatment of bituminous coal from Districts 3 and 7, you may, on sales of such treated coal, add to the maximum prices set by this order the treatment charge made by your supplier: *Provided*, That it does not exceed 10¢ per net ton. This treatment charge may be added only if the treated coal is kept separate and is not mixed with other untreated coal. You need not separately state the amount of this treatment charge if you clearly indicate on the invoice that the coal is so treated. Provisions of this paragraph shall not apply to sales of solid fuels in less than ¼ ton lots, unless requested by the purchaser.

This Amendment No. 1 to Order G-63 shall become effective as of August 3, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-18890; Filed, Oct. 11, 1945; 1:19 p. m.]

[Region II Rev. Order G-64 Under RMPR 122]
SOLID FUELS IN ALLEGHENY COUNTY, PA.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of

Price Administration by §§ 1340.260 and 1340.259 (a) (1) of Revised Maximum Price Regulation No. 122, and under § 1340.209 of Maximum Price Regulation No. 120, it is ordered:

(a) *What this order does*—(1) *Maximum prices area covered*. If you are a dealer, or producer of bituminous coal making "direct-delivery" sales at retail, this order fixes the maximum prices which you may charge, and if you are a purchaser in the course of trade or business, this order fixes the maximum prices which you may pay, for certain sizes and quantities of bituminous coal, delivered to or at any point in Commonwealth of Pennsylvania, Coal Area XII. That area consists of all of Allegheny County in the Commonwealth of Pennsylvania.

(2) *Schedules of prices and charges*. The applicable prices and authorized charges from which you shall determine the maximum prices for designated kinds, sizes and quantities of bituminous coal delivered within Allegheny County are set forth in Schedule I hereafter.

(3) *To what sales this order applies*. If you are a dealer, or producer of bituminous coal, making "direct-delivery sales at retail", you are bound by the prices and charges, and by all other provisions of this order for all deliveries within Allegheny County, whether or not you are located in Allegheny County. If you are a dealer making "yard sales", you are likewise bound by all provisions of this order for all such sales within Allegheny County.

(b) *What this order prohibits*. Regardless of any contract or other obligations, you shall not:

(1) Sell, or, in the course of trade or business, buy bituminous coal of the kinds, sizes, and in the quantities set forth in the schedule herein, at prices higher than the maximum prices computed as set forth in paragraph (c) of this order, although you may charge, pay or offer less than maximum prices.

(2) Obtain any price higher than the applicable maximum price by:

(i) Changing the discounts authorized herein, if any, or

(ii) Charging for any service which is not expressly requested by the buyer, or

(iii) Charging for any service for which a charge is not specifically authorized by this order, or

(iv) Charging a price for any service higher than the schedule price for such service, or

(v) Using any tying agreement or requiring that the buyer purchase anything in addition to the fuel requested by him, except that a dealer may comply with requirements or standards with respect to deliveries which have been or may be issued by an agency of the United States Government, or

(vi) Using any other device by which a higher price than the applicable maximum price is obtained, directly or indirectly.

(c) *How to compute maximum prices*. You must figure your maximum prices as follows:

(1) Refer to Schedule I which contains separate tables of prices for "direct-delivery" sales and "yard sales" of bituminous coal. You will find Schedule I in paragraph (d).

(2) Take the dollars-and-cents figure given in the applicable table of the schedule, for the kind, size and quantity of bituminous coal you are selling.

(3) Deduct from that figure the amount of the discount which you are required to give, as specified herein. Where a discount is required, you must state it separately on your invoice.

(4) If, at your purchaser's request, you actually render him a service for which this order authorizes a charge, you may add to the figure obtained as above no more than the maximum authorized service charge. You must state that charge separately on your invoice. The only authorized service charges are those provided for in the schedule.

(d) *Schedule I.* Schedule I establishes specific maximum prices for certain kinds, sizes and quantities of bituminous coal, delivered to or at any point within Area XII. There is a separate table of prices for "direct-delivery" sales and "yard sales".

(1) *Sales on a "direct-delivery" basis by dealers and bituminous coal producers.*

FOR SALES OF UNDERGROUND MINE BITUMINOUS COAL FROM DISTRICT 2, OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED

| Kind and size of coal | Per net ton |
|--|-------------|
| All single-screened lump coals larger than 2" and all double-screened egg coals with bottom size larger than 2", including 4" lump and 4" x 6" egg | \$8.50 |
| All lump coal larger than 1 1/4" but not exceeding 2" bottom size, including 2" lumps | 6.35 |
| All double-screened coal with a bottom size larger than 1 1/4" but not over 2", and a top size larger than 2", including 4" x 2" egg | 6.15 |
| All double-screened coal with a top size 2" and smaller, including stoker and stove | 6.15 |
| Mine run (straight mine run, all mine run resultants larger than 2" and any mine run altered by the removal of any intermediate size) | 5.70 |
| Nut and slack (screenings larger than 1 1/4" but not exceeding 2" top size) | 5.10 |
| Slack (screenings top size not exceeding 1 1/4") | 4.95 |

Required discounts. There shall be deducted from the prices set forth above the following discounts on sales and deliveries to consumers purchasing from one dealer or bituminous coal producer, for delivery at one point, the quantities of coal specified, within a period of twelve months:

| Quantity (net tons) | Discount (per net ton) (cents) |
|---------------------|--------------------------------|
| 1-50 | 0 |
| 51-500 | 15 |
| 501-2,500 | 25 |
| 2,501-5,000 | 35 |
| 5,001-10,000 | 40 |
| 10,001 and up | 50 |

You must grant this discount whether the purchaser has received the designated quantity pursuant to a single purchase order, or several purchase orders, and whether there was delivery at one time or at intervals of time, the sole basis of the discount being the annual

purchase of specified quantities for delivery at one point.

MAXIMUM AUTHORIZED SERVICE CHARGES

| | Per net ton |
|---|-------------|
| Special service rendered at the request of the purchaser (see definitions in par. (p)): | |
| Shoveling | \$0.75 |
| Wheeling | .75 |
| Carrying (15 steps or less) | 1.00 |
| Carrying (16 steps or more) | 1.25 |
| Carrying and wheeling | 1.75 |
| Single chute (12 feet or less) | .75 |
| Double or multiple chute (over 12 feet) | 1.00 |
| Tail-and-gate chute | .50 |
| High lift truck, coalteter or conveyor (mechanical equipment) | .75 |

Not more than one of the foregoing charges may be imposed in the course of a single delivery.

| | Per net ton |
|---|-------------|
| Trimming | \$0.25 |
| For deliveries in units of less than 2 tons | .25 |

(2) "Yard sales" by dealers.¹

FOR SALES OF UNDERGROUND MINE BITUMINOUS COAL FROM DISTRICT 2, OF THE KINDS AND SIZES, AND IN THE QUANTITIES SPECIFIED:

| Kind and size of coal | Per net ton |
|---|-------------|
| All single-screened lump coals larger than 2" and all double screened egg coals with bottom size larger than 2" including 4" lump and 4" x 6" egg | \$5.50 |
| All lump coal larger than 1 1/4" but not exceeding 2" bottom size, including 2" lump | 5.35 |
| All double-screened coal with a bottom size larger than 1 1/4" but not over 2", and a top size larger than 2", including 4" x 2" egg | 5.15 |
| All double-screened coal with a top size 2" and smaller, including stoker and stove | 5.15 |
| Mine run (straight mine run, all mine run resultants larger than 2" and any mine run altered by the removal of any intermediate size) | 4.80 |
| Nut and slack (screenings larger than 1 1/4" but not exceeding 2" top size) | 4.35 |
| Slack (screenings top size not exceeding 1 1/4") | 4.20 |

(3) *Addition for oil or chemical treatment of bituminous coal.* Notwithstanding other provisions of this order, if you are a dealer charged a price for oil or chemical treatment of bituminous coal, or if you are a producer authorized to make a charge for oil or chemical treatment under Maximum Price Regulation No. 120, you may, on sales of such treated coal, add to the maximum prices set by this order, the treatment charge made by your supplier, or, if you are a producer, your authorized treatment charge: *Provided*, That this charge does not exceed 10¢ per net ton. This treatment charge may be added only if the treated coal is kept separate and not mixed with other untreated coal. You need not separately state the amounts of this treatment charge if you clearly indicated on the invoice that the coal is so treated. Provisions of this paragraph shall not apply to sales of solid fuel in less than 1/4 ton lots unless requested by the purchaser.

(e) *Commingling.* If one size or kind of bituminous coal is sold commingled

with another size or kind of bituminous coal, the maximum price for the combination shall be the maximum price established in this order for the smallest of the sizes or for the least expensive kind so commingled, whichever is lower, except in the following situation: Where a purchaser requests that two or more sizes or kinds of bituminous coal be commingled in one delivery, then, and in that event, if these sizes and kinds are separately weighed at the point of loading, the dealer may commingle those sizes and kinds in the truck or other vehicle, in which the delivery is made. The price for solid fuel so commingled shall be calculated on the basis of the applicable per net ton price for such size and kind in the combination, and the invoice shall separately state the price, so determined, for the quantity of each size and kind in the combination.

(f) *Ex Parte 148 freight rate increase.* Since the Ex Parte 148 Freight Rate increase has been rescinded by the Interstate Commerce Commission, dealers' freight rates are the same as those of December 1941. Therefore, you may not increase any schedule price on account of freight rates.

(g) *Addition of increase in producer's or supplier's maximum price prohibited.* The specific maximum prices established by this order already reflect increases in maximum prices of bituminous coal producers affected and in the case of dealers, in their supplier's maximum prices, which occurred up to the effective date of this order. You may not increase the specific maximum prices established by this order to reflect, in whole or in part, any subsequent increases in your maximum mine price, if you are a bituminous coal producer, nor in your supplier's maximum prices, if you are a dealer. The Regional Administrator, will, if he deems it to be warranted, take appropriate action to amend this order to reflect such subsequent increases that may occur.

(h) *Taxes.* If you are a dealer subject to this order you may collect, in addition to the specific maximum prices established herein, provided you state it separately, the amount of the Federal tax upon the transportation of property imposed by section 620 of the Revenue Act of 1942 actually paid or incurred by you, or any amount equal to the amount of such tax paid by any of your prior suppliers and separately stated and collected from you by the supplier from whom you purchased. On sales to the United States or any agency thereof, or to the Commonwealth of Pennsylvania or any political subdivision thereof, you need not state this tax separately.

(i) *Adjustable pricing.* You may not make a price adjustable to the maximum price which will be in effect at some time after delivery of the bituminous coal has been completed; but the price may be adjustable to the maximum price in effect at the time of delivery.

(j) *Petitions for amendment.* Any person seeking an amendment of any provision of this order may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1, except that the petition shall be filed with the Regional Administrator and acted upon by him.

¹ Producers' "Yard Sales" not governed by this order.

(k) *Right of amendment or revocation.* The Regional Administrator or the Price Administrator may amend, revoke, or rescind this order, or any provision thereof at any time.

(l) *Applicability of other regulations.* If you are a dealer subject to this order, you are governed by the licensing provisions of Licensing Order 1. Licensing Order 1 provides, in brief, that a license is required of all persons making sales for which maximum prices are established. A license is automatically granted. It is not necessary to apply for the license. The license may be suspended for violations in connection with the sale of any commodity for which maximum prices are established. If your license is suspended, you may not sell any such commodity during the period of suspension.

(m) *Records.* If you are a dealer or producer subject to this order, you shall preserve, keep and make available for examination by the Office of Price Administration, a record of every sale of bituminous coal hereunder, showing the date, the name and address of the buyer, if known, the per net ton price charged, and the solid fuel sold. The solid fuel shall be identified in the manner in which it is described in the order. The record shall also state separately each service rendered and the charge made for it.

(n) *Posting of maximum prices; sales slips and receipts.* (1) If you are a dealer or producer subject to this order, you shall post all your maximum prices (as set forth in Schedule 1 of this order) in your place of business in a manner plainly visible to and understandable by the purchasing public.

(2) If you are a dealer or producer subject to this order, you shall, except for a sale of less than one-half ton, give each purchaser a sales slip or receipt showing your name and address, the kind, size, and quantity of solid fuel sold to him, the date of the sale or delivery and the price charged, separately stating the amount, if any, of the required discounts which must be deducted from and the authorized service charges and the taxes which may be added to, the specific maximum prices prescribed herein.

In the case of all other sales, you shall give each purchaser a sales slip or receipt containing the information described in the foregoing paragraph, if requested by such purchaser.

(o) *Enforcement.* (1) Persons violating any provision of this order are subject to civil and criminal penalties, including suits for treble damages, provided for by the Emergency Price Control Act of 1942, as amended.

(2) Persons who have any evidence of any violation of this order are urged to communicate with the Pittsburgh District Office of the Office of Price Administration, or with the Price Panel of the appropriate War Price and Rationing Board.

(p) *Definitions and explanations.* When used in this Revised Order No. G-64, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or

legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of the foregoing.

(2) "Sell" includes, sell, supply, dispose, barter, exchange, lease, transfer, and deliver, and contracts and offers to do any of the foregoing. The term "sale", "selling", "sold", "seller", "buy", "purchaser", and "purchase" shall be construed accordingly.

(3) "Dealer" means any person selling coal of the kinds and sizes set forth in the schedules herein, and does not include a producer or distributor making sales at or from a mine, a preparation plant operated as an adjunct of any mine, or a briquette plant.

(4) "Bituminous coal producer" means a person engaged in the business of mining bituminous coal or preparing bituminous coal at a preparation plant which is an adjunct of a mine or mines, and any person acting as an agent of a producer in the sale of bituminous coal.

(5) "Direct delivery" means delivery to buyer's bin or other storage space designated by buyer, or to the point nearest and most accessible to the buyer's bin or storage at which the coal can be discharged directly from the seller's truck.

(6) "Yard sales" means sales accompanied by physical transfer to the buyer's truck or vehicle at the yard, dock, barge, car or at a place of business of the seller other than at seller's truck or vehicle.

(7) "Shoveling" refers to housing of solid fuel by dumping it near the consumer's coal window, at the curb or on the sidewalk or driveway, and manually shoveling it through the window into the bin or storage space.

(8) "Wheeling" refers to housing of solid fuel by dumping it at the curb or on the sidewalk or driveway, shoveling it into wheelbarrow, and then wheeling it into the bin or storage space, or wheeling it to the coal window and dumping or shoveling through the window into the bin or storage space.

(9) "Carrying" refers to housing of solid fuel by dumping it at the curb, or on the sidewalk or driveway, as near as possible to the consumer's coal window but at a distance and on a level which will not permit "chuting", "shoveling", or "wheeling", then shoveling it into baskets and carrying (including carrying up steps) to and dumping into the bin or storage space, usually through consumer's coal window.

(10) "Carrying" and "wheeling" refers to housing of solid fuel where both types of services are required to be performed in the course of a single delivery.

(11) "Single chute" refers to housing of solid fuel by placing a single chute of 12 feet or less on the side of the truck, extending it into the coal window, then usually shoveling the fuel from the bed of the truck into the chute through which it is moved or moves, largely by gravity, into the bin or storage space. (This service is not to be confused with "dumping by way of chute".)

(12) "Double or multiple chute" refers to housing of solid fuel in the same manner as by "single chute," but where the distance between the truck and the coal bin opening exceeds twelve feet and two

or more chutes must be attached together. The solid fuel is shoveled from the bed of the truck into the chutes and forced through the chutes into the bin or storage space.

(13) "Tail-end-gate chute" refers to housing of solid fuel where it is necessary to attach a chute to the end gate of the truck at an angle which will not permit the flow of fuel by gravity but requires manual labor to keep the fuel flowing through the chute into the bin or storage space. (No charge may be made if the angle of the chute is such that the fuel flows by gravity and no manual labor is required to keep the fuel flowing.)

(14) "High lift truck, coaltoter or coalveyor" refers to housing of solid fuel by the use of mechanical equipment of the types designated, the handling of which requires the services of more than one man to discharge the fuel in the bin or storage space. A high lift truck is one, the body of which can be raised at both ends by means of mechanical equipment. Coaltoters or coalveyors are chutes with a mechanically driven belt by means of which the solid fuel passes through the chute without manual assistance.

(15) "Trimming" refers in general to the movement of coal by shovel, in bin or storage space, usually for the purpose of making room for more coal to be delivered.

(16) "District No." refers to the geographical coal-producing districts as defined in the Bituminous Coal Act of 1937 as amended, and as they have been modified as of midnight, August 23, 1943.

(17) All designations in this order of sizes, classifications, etc., applicable to bituminous coal, refer to the sizes, classifications, etc., as set forth in the minimum price schedules for the various producing districts issued by the Bituminous Coal Division of the United States Department of Interior, as in effect, midnight, August 23, 1943.

(18) "Underground mine coal" means coal that is taken entirely from underground seams from which the overburden is not removed, and does not include coal from a mine which takes coal from the ground by the stripping method, except that, for purposes of this order, underground mine coal shall include coal from strip mines that has been especially prepared and for which the producer has been authorized to charge the maximum prices for underground mine coal.

(19) Except as otherwise provided herein or as the context may otherwise require, the definitions set forth in §§ 1340.255 and 1340.266 of Revised Maximum Price Regulation No. 122 shall apply to terms used herein.

(q) *Effect of order on revised maximum price regulation No. 122 and maximum price regulation No. 120.* To the extent applicable, this order supersedes Revised Maximum Price Regulation No. 122 and Maximum Price Regulation No. 120.

NOTE: The record-keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

This Revised Order No. G-53 shall become effective September 10, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 383, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 7th day of September 1945.

LEO F. GENTNER,
Acting Regional Administrator.

[F. R. Doc. 45-18889; Filed, Oct. 11, 1945;
1:19 p. m.]

[Little Rock Order G-1 Under RMPR 285]

BANANAS IN LITTLE ROCK, ARK.

For the reasons stated in an opinion issued simultaneously herewith, and under the authority vested in the Little Rock District Director of the Office of Price Administration by Order of Delegation No. 91, issued by the Regional Administrator of Region V, and by section 5 (a) and section 5 (a) (1) of Revised Maximum Price Regulation 285, it is hereby ordered:

SEC. 1. *What this order does.* This order establishes an additional handling charge of 35¢ per cwt. over the maximum price for banana wholesalers located within the District served by the Little Rock District Office.

SEC. 2. *Maximum prices for additional handling.* Any banana wholesaler located within the District served by the Little Rock District Office of the Office of Price Administration may add to his proper maximum price for processed bananas a charge in an amount not to exceed 35¢ per cwt. to cover the costs of making deliveries to the premises of retailers or institutional users beyond the free delivery zone. Such charge may not be added for the cost of local hauling within the free delivery zone surrounding the wholesaler's customary receiving point.

SEC. 3. *Applicability of this order.* The provisions of this order shall only apply with respect to those persons who sell processed bananas as defined in Revised Maximum Price Regulation 285. Free delivery zone as used in this regulation is that zone within the municipal limits of the city or town in which the seller's establishment is located.

SEC. 4. *Relationship of this order to RMPR 285 and other orders.* This order shall be subject to revocation or amendment at any time hereafter either by special order or by any price regulation issued hereafter or by any amendment or supplement hereafter issued as to any price regulation, the provisions of which may be contrary hereto. Except as specifically provided in this order, the provisions of Revised Maximum Price Regulation 285, as amended, are in no way affected and shall continue in full force and effect.

SEC. 5. *Effective date.* This order shall become effective this 10th day of August 1945.

Issued at Little Rock, Arkansas, this 10th day of August 1945.

ROBERT P. HALL,
District Director.

[F. R. Doc. 45-18887; Filed, Oct. 11, 1945;
1:18 p. m.]

[Region V Order G-4 Under RMPR 122,
Amdt. 2]

SOLID FUELS IN WICHITA, KANS., AREA

Pursuant to the Emergency Price Control Act of 1942, as amended, and the authority vested in the Regional Administrator of Region V by § 1340.260 of Revised Maximum Price Regulation No. 122, and for the reasons set forth in the opinion issued simultaneously herewith; It is ordered:

That Order No. G-4 under Revised Maximum Price Regulation No. 122 be, and the same is hereby, amended as follows:

1. Section (c) (1) (I) (B) and (C) is hereby amended to read as follows:

(c) *Price schedule.* (1) Below and a part of this section is the maximum price schedule which sets forth maximum prices for sales by direct delivery of specified sizes, kinds and quantities of solid fuels.

| Description of fuel | Maximum price per ton produced at— | | |
|--|------------------------------------|-------------------|------------|
| | Strip mines | Underground mines | |
| | | Machine cut | Solid shot |
| 1. Low Volatile Bituminous Coal from District 14 (Arkansas and Oklahoma) | | | |
| (B) Production groups 2 and 3: From mines in the Paris, Altus, and Denning-Coal Hill Fields of Logan, Franklin and Johnson Counties, Ark., excepting that produced at the "A. & M., New Union and Watson No. 4" mines, Indexes "40," "77" and "117" respectively, all located in the Paris Basin: | | | |
| (1) Lump (bottom size 2½ inches and larger)..... | | \$13.10 | |
| (2) Small egg (top size 4 inches to larger than 3 inches; bottom size 2 inches and smaller; or top size 3 inches to larger than 2½ inches, bottom size 3 inches to larger than 1½ inches)..... | | 11.90 | |
| Produced at the "A. & M., New Union" and "Watson No. 4" mines, Indexes "40," "77" and "117" respectively: | | | |
| (3) Lump (bottom size 2½ inches and larger)..... | | 13.60 | |
| (C) Production Group 5 (Sebastian County, Ark.): From mines in the Excelsior field: | | | |
| (1) Lump (bottom size 2½ inches and larger)..... | 10.85 | 12.30 | |
| From all other mines in Sebastian County excepting the "Jenny Lind" and the "Clark" mines, Indexes "1001" and "1005": | | | |
| (2) Lump (bottom size 2½ inches and larger)..... | 10.95 | | \$11.40 |
| From the "Jenny Lind" and "Clark" mines, Indexes "1001" and "1005": | | | |
| (3) Lump (bottom size larger than 2½ inches)..... | 11.30 | | |

2. Amendment No. 1 to Order G-4 under Revised Maximum Price Regulation No. 122 insofar as it affects section (c) (1) (I) (B) and (C) as amended herein is hereby revoked and superseded by this Amendment No. 2.

This amendment is made effective retroactively as of August 17, 1945.

(56 Stat. 23, 765; 57 Stat. 566; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued at Dallas, Texas, this 28th day of August 1945.

W. A. ORTH,
Regional Administrator.

[F. R. Doc. 45-18888; Filed, Oct. 11, 1945;
1:18 p. m.]

[Buffalo Order G-1 Under MPR 426]

FRESH FRUITS AND VEGETABLES IN NEW YORK

For the reasons stated in an accompanying opinion, this order is issued.

SECTION 1. *What this order does.* This order establishes the amount of freight from "basing point" to "wholesale receiving point" which may be added to the maximum f. o. b. shipping point price to determine the maximum selling prices for certain fresh fruits and vegetables at all "wholesale receiving points" in the area described in section 2 below.

SEC. 2. *Area covered.* This order applies in the Counties of Erie, Niagara, Orleans, Genesee, Wyoming, Chautauqua, Cattaraugus and Allegany in the State of New York.

SEC. 3. *Amount of freight allowance.* (a) *City of Buffalo.* The freight allowances from "basing point" to any "wholesale receiving point" in this city for any commodity listed in Appendix A shall be the corresponding amount listed in the annexed Appendix A. Such amount includes all allowances, if any, for protective and other accessorial services and all taxes on transportation costs.

(b) *Erie (except City of Buffalo), Niagara, Orleans, Genesee, Wyoming, Chautauqua, Cattaraugus and Allegany Counties.* The freight allowances from "basing point" to any "wholesale receiving point" in these counties for any commodity listed in Appendix A shall be the sum of the corresponding amounts listed in Appendices A and B. Such sum includes all allowances, if any, for protective and other accessorial services and all taxes on transportation costs. However, for a carlot or trucklot sold direct to any "wholesale receiving point" in these counties, the freight allowances shall be that prescribed in subdivision (a) of this section.

SEC. 4. *Meaning of terms.* The terms "basing point" and "wholesale receiving point" are to be understood as defined in Maximum Price Regulation No. 426.

SEC. 5. *Effective date.* This order shall become effective on September 29, 1945.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; Pub. Law 108, 79th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9599, 10 F.R. 10155; MPR 426, 8 F.R. 16409)

Issued: September 28, 1945.

THOMAS J. REESE,
District Director.

Approved:

F. D. CRONIN,
Regional Director of
Food Distribution.

APPENDIX A—FREIGHT ALLOWANCES FROM BASING POINT TO BUFFALO, N. Y.

| Commodity | Standard container and minimum contents | Basing point | Date | Freight allowance |
|--|--|--------------------------------------|------------------------------|-------------------|
| Apricots | Brentwood lug, 24-26 pounds | Sacramento, Calif., or Yakima, Wash. | All season | \$0.57 |
| Carrots, bunches | Northeast lug, 13-15 pounds | do | All season | .38 |
| | Los Angeles crate, 72 bunches, each bunch 1 pound. | El Centro, Calif. | Jan. 16-Mar. 31 | 1.34 |
| | | do | Apr. 1-May 31 | 1.44 |
| | | Salinas, Calif. | June 1-Nov. 30 | 1.53 |
| | | do | Dec. 1-Jan. 15 | 1.43 |
| Cucumbers (except hothouse) | Bushel, 48 pounds | Ponchatoula, La. | Oct. 1-31 | .73 |
| | | Wachula, Fla. | Nov. 1-May 31 | .81 |
| | Lug box, 28 pounds | Ponchatoula, La. | June 1-30 | .73 |
| | | do | Oct. 1-31 | .44 |
| | | Wachula, Fla. | Nov. 1-May 31 | .48 |
| Cucumbers (hothouse) | 1 pound | Ponchatoula, La. | June 1-30 | .44 |
| Eggplant | 1½ bushel crate, 45 pounds | Davenport, Iowa | All year | .019 |
| | Bushel, 30 pounds | Ft. Myers, Fla. | Jan. 1-July 15 | .83 |
| | | do | Jan. 1-July 15 | .57 |
| Grapefruit, pink (California and Arizona) | 1½ bushel | Los Angeles, Calif. | Nov. 1-Apr. 30 | 1.20 |
| | | do | May 1-Oct. 31 | 1.27 |
| All other States | 1½ bushel | Weslaco, Tex. | All year | 1.15 |
| Grapefruit, white (California and Arizona) | 1½ bushel | Los Angeles, Calif. | Nov. 1-Apr. 30 | 1.20 |
| | | do | May 1-Oct. 31 | 1.27 |
| All other States (including "Indian River") | 1½ bushel | Homestead, Fla. | All year | 1.01 |
| Grapes, table | Lug, 28 pounds | Bakersfield, Calif. | All season | .57 |
| Green peas | Bushel, 28 pounds | Calipatria, Calif. | Sept. 1-Mar. 31 | .72 |
| | | Santa Barbara, Calif. | Apr. 1-Aug. 31 | .80 |
| Lemons (all States) | 1½ bushel | Los Angeles, Calif. | Nov. 1-Apr. 30 | 1.24 |
| | | do | May 1-Oct. 31 | 1.38 |
| Lettuce, Iceberg | Los Angeles or Salinas crate with 48 heads and weighing 60 pounds. | El Centro, Calif. | Jan. 1-Feb. 28 | 1.51 |
| | | do | Mar. 1-31 | 1.55 |
| | | Salinas, Calif. | Apr. 1-30 | 1.62 |
| | | do | May 1-31 | 1.67 |
| | | do | June 1-Oct. 15 | 1.77 |
| | | do | Oct. 16-Dec. 1 | 1.62 |
| | | El Centro, Calif. | Dec. 1-31 | 1.55 |
| Melons, cantaloups, and honeyball | Jumbo crate, 83 pounds | do | Beginning of season, July 25 | 1.82 |
| | do | Mendota, Calif. | July 26, end of season | 1.90 |
| | Standard crate 68 pounds | El Centro, Calif. | Beginning of season, July 25 | 1.58 |
| | do | Mendota, Calif. | July 26, end of season | 1.66 |
| Casaba melons | Pony crate, 57 pounds | El Centro, Calif. | All season | 1.34 |
| Cranshaw melons | Jumbo or standard crate, 42 pounds | Mendota, Calif. | All year | 1.10 |
| Honeydew melons | Jumbo or standard crate, 40 pounds | do | do | 1.10 |
| | Jumbo or standard Honeydew crate, 39 pounds | El Centro, Calif. | Beginning of season, July 25 | 1.05 |
| | do | Mendota, Calif. | July 26, end of season | 1.09 |
| | Jumbo cantaloup crate, 58 pounds | El Centro, Calif. | Beginning of season, July 25 | 1.59 |
| | do | Mendota, Calif. | July 26, end of season | 1.65 |
| Persian melons | Jumbo Persian, crate, 43 pounds | do | All year | 1.10 |
| | Standard Persian, crate, 37 pounds | do | do | .98 |
| | Pony Persian, crate, 35 pounds | do | do | .89 |
| Oranges: | | | | |
| California and Arizona | 1½ bushel | Los Angeles, Calif. | Nov. 16-Apr. 30 | 1.33 |
| | | do | May 1-Nov. 15 | 1.40 |
| All other States (including "Indian River") | 1½ bushel | Homestead, Calif. | All year | 1.12 |
| Pears | Western pear, box, 44-48 pounds | Sacramento, Calif. | do | .91 |
| | Western pear, box, 46-50 pounds | Yakima, Wash. | do | .91 |
| Plums | 4-basket crate, size 3 x 4, 29-33 pounds | Sacramento, Calif. | All season | .69 |
| | 3 x 4 x 4, 29-33 pounds | do | do | .69 |
| | 4 x 4, 28-32 pounds | do | do | .66 |
| | 3 x 4 x 5, 26-30 pounds | do | do | .66 |
| | 4 x 5, 25-30 pounds | do | do | .66 |
| | 5 x 5, 24-28 pounds | do | do | .58 |
| | 6 x 6, 23-27 pounds | do | do | .58 |
| | 6 x 6, 23-27 pounds | do | do | .58 |
| Prunes, fresh Italian | ½ bushel, 28-32 pounds | Yakima, Wash. | All year | .68 |
| | Fruit box, 15-17 pounds | do | do | .39 |
| Snap beans (green or wax) | Bushel, 28 pounds | Pompano, Fla. | do | .62 |
| Spinach | Bushel, 18 pounds | Crystal City, Tex. | do | .38 |
| Sweet peppers | 1½-bushel crate, 37 pounds | Pompano, Fla. | Jan. 1-July 15 | .74 |
| | Bushel, 25 pounds | do | Jan. 1-July 15 | .51 |
| Sweetpotatoes: | | | | |
| Green | 50 pounds | Sunset, La. | All year | .50 |
| Cured | 45 pounds | do | do | .50 |
| Tangerines, all States except California and Arizona | 1½ bushels | Homestead, Fla. | do | 1.20 |

APPENDIX B—FREIGHT ALLOWANCE TO ALL WHOLESALE RECEIVING POINTS OUTSIDE THE CITY OF BUFFALO, NEW YORK

| Commodity in standard container and minimum contents as in appendix A | 25 miles | 26-50 miles | 51-75 miles | 76-100 miles | Commodity in standard container and minimum contents as in appendix A | 25 miles | 26-50 miles | 51-75 miles | 76-100 miles |
|---|----------|-------------|-------------|--------------|---|----------|-------------|-------------|--------------|
| Carrots, bunches, Los Angeles crate | \$0.20 | \$0.25 | \$0.30 | \$0.30 | Lettuce, Iceberg | \$0.20 | \$0.25 | \$0.25 | \$0.30 |
| Citrus fruits, all (1½ or 1¾ bushel) | .20 | .25 | .30 | .30 | Melons, jumbo cantaloup crate | .20 | .25 | .30 | .35 |
| Cucumbers (except hothouse) | .15 | .15 | .20 | .25 | All others | .10 | .15 | .15 | .20 |
| Deciduous fruits, all (½ bushel box, crate or lug) | .05 | .10 | .10 | .10 | Snap beans (green or wax) | .10 | .10 | .15 | .15 |
| 1 bushel | .10 | .15 | .15 | .15 | Spinach | .10 | .10 | .10 | .10 |
| Eggplant (bushel or 1½ bushel crate) | .15 | .15 | .20 | .25 | Sweet peppers (bushel or 1½ bushel crate) | .10 | .15 | .20 | .20 |
| Green peas | .10 | .10 | .15 | .15 | Sweetpotatoes | .15 | .15 | .20 | .20 |

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 54-108, 59-81]

CRESCENT PUBLIC SERVICE CO. ET AL.

NOTICE OF FILING AND ORDER FOR HEARING ON AMENDED PLAN AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of October, A. D. 1945.

In the matters of Crescent Public Service Company, Central Ohio Light & Power Company, Colorado Central Power Company, Oklahoma Utilities Company, Empire Southern Service Company, Helene Curley Rea, Robert W. Rea, Floyd W. Woodcock, Kathleen T. Woodcock, Robin Corporation, Elberta Corporation, The Tarrent Corporation, (Applicants), File No. 54-108; Crescent Public Service Company, Central Ohio Light & Power Company, Colorado Central Power Company, Empire Southern Service Company, (Respondents), File No. 59-81.

I. Notice is hereby given that an amended application has been filed with this Commission by Crescent Public Service Company ("Crescent"), a registered holding company, Central Ohio Light & Power Company ("Central Ohio"), Colorado Central Power Com-

pany ("Colorado Central") and Empire Southern Service Company ("Empire Southern"), subsidiaries of Crescent, and Helene Curley Rea, Robert W. Rea, Floyd W. Woodcock, Kathleen T. Woodcock and Robin Corporation, affiliates of Crescent, whereby said applicants seek approval, pursuant to section 11 (e) and other sections of the Public Utility Holding Company Act of 1935, of an amended plan designed to enable Crescent to comply with section 11 (b) of the act.

The application states that Oklahoma Utilities Company, Alberta Corporation and The Tarrent Corporation, all of which were named as applicants in the original application, have been liquidated and dissolved and it is requested that they be permitted to withdraw as parties in this proceeding.

All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Crescent, a Delaware corporation, proposes to liquidate and dissolve after having satisfied and discharged its outstanding Collateral Trust 6% Income Bonds, Series B, due October 1, 1954 ("Income Bonds") and distributed its then remaining assets to its common stockholders.

The following table shows, as of July 31, 1945, the outstanding securities of Crescent and its subsidiaries:

| | Principal amount or shares outstanding | | |
|--|--|--------------------------------|---------------------------|
| | Owned by Crescent | Owned by others | Total |
| Crescent Public Service Co.: Collateral trust six percent income bonds, series B, due Oct. 1, 1954..... | | \$2,750,000..... | \$2,750,000. |
| Common stock, par value \$1 per share..... | | 60,000 shares..... | 60,000 shares. |
| Central Ohio Light & Power Co.: First mortgage bonds, series A, 3½%, due Feb. 1, 1974..... | | \$4,214,000 ¹ | \$4,214,000. ¹ |
| \$6 preferred shares, no par value..... | 2,000 shares..... | 13,972 shares..... | 15,972 shares. |
| Common shares, no par value..... | 20,000 shares..... | | 20,000 shares. |
| Colorado Central Power Co.: First mortgage 3½% bonds, series A, due May 1, 1959..... | | \$662,000..... | \$662,000. |
| Common stock, no par value..... | 10,000 shares..... | | 10,000 shares. |
| Empire Southern Service Co.: 6% promissory note, due June 1, 1938..... | \$375,000..... | | \$375,000. |
| Common stock, no par value..... | 1,000 shares..... | | 1,000 shares. |

¹ Gives effect to the retirement on Aug. 1, 1945, of \$86,000 principal amount of said bonds.

All securities of its subsidiaries held by Crescent are pledged under the indenture securing the Income Bonds.

This plan is proposed to be carried out in the following manner:

(1) Sale of securities of subsidiaries—

(a) *Empire Southern.* Crescent proposes to sell all the securities of Empire Southern to a purchaser not designated in the application, and to pay the proceeds, estimated at \$376,000, to the indenture trustee to be utilized in carrying out the provisions of the plan.

(b) *Colorado Central.* Colorado Central proposes to change its capitalization from 10,000 shares of common stock without par value, stated value \$300,000, to 43,750 shares of new common stock, par value \$10 per share. In connection therewith, Colorado Central proposes to transfer \$85,636 and \$51,864 from its Capital Surplus and Earned Surplus accounts, respectively, to its Capital Stock account.

Crescent proposes to surrender the 10,000 shares of old common stock; and to acquire the 43,750 shares of new com-

mon stock, to sell them at competitive bidding, pursuant to Rule U-50, and to pay the proceeds, estimated at \$1,100,000, to the indenture trustee to be utilized in carrying out the provisions of the plan.

(2) Recapitalization of Central Ohio and refinancing of its preferred stock.

(a) Crescent proposes to donate to Central Ohio 5,343 shares of Central Ohio's common stock without par value, thus reducing the outstanding amount from 20,000 shares, stated value \$1,000,000, to 14,657 shares, stated value \$732,850. The donated shares are to be cancelled and the difference in stated value to be credited to capital surplus.

(b) Crescent proposes to exchange 14,657 common shares and 1,972 \$6 preferred shares of Central Ohio for 73,285 shares of new common stock with a par value of \$10 per share. The shares surrendered are to be cancelled and the difference (amounting to \$195,237 as of July 31, 1945) between the stated value of such cancelled shares and the par value of the new stock is to be credited to capital surplus.

(c) Central Ohio proposes to increase the stated value of the 12,000 \$6 preferred shares remaining outstanding to the liquidation price of \$110 per share and to charge this increase (amounting to \$131,947 as of July 31, 1945) to capital surplus.

(d) Central Ohio proposes to redeem, at \$110 per share, the 12,000 \$6 preferred shares remaining outstanding. Central Ohio proposes to sell at competitive bidding, pursuant to Rule U-50, 12,000 shares of preferred stock, par value \$100 per share. The rate of dividends and the price are to be determined by such bidding.

(e) Crescent proposes to purchase from Central Ohio 10,715 shares of new common stock for \$300,020, \$28 per share. The excess of the proceeds over the par value, amounting to \$192,870, are to be credited to premium on capital stock.

(3) *Exchange offer to Crescent bondholders.* After consummation of the foregoing steps, the assets of Crescent will consist substantially of 84,000 shares of Central Ohio common stock, to which the company assigns a value of \$28 per share or a total of \$2,352,000, and cash estimated at \$1,476,000.

Crescent proposes to offer to the holders of its Income Bonds the opportunity, for a period of 20 days, to exchange each \$1,000 Income Bond for 30 shares of Central Ohio common stock (value assigned by the company \$840) plus a cash payment of \$180. Accrued interest on the Income Bonds, at the rate of 6% per annum, is to be paid to the date upon which the exchange offer shall be declared effective. Holders of Income Bonds of \$500 and \$100 denominations are to receive a proportionate amount of the Central Ohio common stock and cash. In the event that Income Bonds are deposited for exchange in excess of a total principal amount of \$1,800,000, an allocation is to be made among such holders to the nearest \$100 of principal amount, but holders of Income Bonds in the aggregate principal amount of \$500 or less will be permitted to receive the full amount of shares provided for in the offer.

The offer is to be conditioned upon acceptance by holders of at least \$1,650,000 principal amount of Income Bonds, but the company reserves the right to declare the plan effective if holders of \$1,375,000 principal amount or more have deposited their bonds.

Bondholders are to have the right to withdraw their bonds up to the time when the exchange offer shall have been declared effective.

(4) *Retirement of unexchanged bonds.* Crescent proposes to call for redemption the remaining outstanding Income Bonds at principal amount plus accrued interest.

(5) *Distribution to Crescent Stockholders and dissolution of the Corporation.* After retirement of all the Income Bonds outstanding, and satisfaction of all other liabilities of Crescent, the remaining assets of Crescent are to be distributed to its stockholders. Assuming that \$1,800,000 principal amount of Income Bonds are exchanged, the Crescent stockholders would receive one share of Central Ohio common stock for each two

shares of Crescent stock held. The remaining assets would consist entirely of cash and be distributed as a liquidating dividend. Cash is to be given in lieu of fractional shares.

The consummation of the plan is subject to all necessary approval by this Commission and to approval by a United States Court having jurisdiction with respect thereto, and upon such approvals having been obtained, the plan and each of the steps, terms and provisions thereof is to be binding upon all security holders of Crescent.

Crescent requests that if the Commission should approve the plan, such order or orders of approval shall contain recitals sufficient to meet the requirements of Supplement R of the Internal Revenue Code.

II. The Commission having examined, pursuant to sections 11 (a), 18 (a) and 18 (b) of the Public Utility Holding Company Act of 1935, the corporate structure of Crescent and its subsidiary companies, the relationship among the companies in the holding company system of Crescent, the character of the interests thereof and the properties owned or controlled thereby, to determine the extent to which the corporate structure of such holding company system and the companies therein may be simplified, unnecessary complexities therein eliminated, voting power fairly and equitably distributed among the holders of securities thereof, and the properties and business of such system confined to those necessary or appropriate to the operations of an integrated public utility system or systems under the standards of section 11 (b) of the act; and said examination having disclosed data establishing or tending to establish the following:

(1) Crescent, a registered holding company, is a corporation organized under the laws of the State of Delaware and maintains its principal office in the City of Wilmington, State of Delaware.

(2) Following is a tabulation showing the names, states of organization and kinds of business of Crescent and its subsidiaries:

| Name of company | State of organization | Kind of business |
|-----------------------|-----------------------|-------------------|
| Crescent..... | Delaware..... | Holding company. |
| Central Ohio..... | Ohio..... | Electric utility. |
| Colorado Central..... | Delaware..... | Do. |
| Empire Southern..... | do..... | Gas utility. |

Crescent owns 100% of the voting securities of each of its subsidiaries.

(3) The subsidiaries of Crescent conduct their operations within the States of Ohio, Colorado and Texas. Services are rendered to a population estimated at 110,000. Retail electric service is rendered to 47 communities and wholesale electric service to additional seven. In conjunction with the electric service in one community, hot water heating service is supplied to a small number of customers. Natural gas service is furnished to one community.

The electric property of Central Ohio located in Ohio consists of two separate

electric systems, one of which generates all its power requirements while the other purchases them from non-affiliated utilities. The electric property of Colorado Central located in Colorado consists of three separate electric systems all of which receive their power requirements from the same non-affiliated utility company. The gas operations of Empire Southern consist of distribution in one community of Texas of natural gas purchased from another natural gas company which is controlled by the same interests controlling Crescent.

(4) The property accounts per books as of July 31, 1945, including intangibles, and the gross revenues of Crescent's subsidiaries for the twelve months ended July 31, 1945, were as follows:

| Company | Type of service | Gross property | Gross revenues |
|-----------------------|------------------|----------------|----------------|
| Central Ohio..... | Electric..... | \$7,760,196 | \$2,403,959 |
| Colorado Central..... | do..... | 1,927,519 | 850,537 |
| Empire Southern..... | Natural gas..... | 489,390 | 246,544 |
| | | \$10,177,114 | \$3,501,040 |

¹ Central Ohio received \$50,258 revenues from hot water heating service which are included in the above figure.

(5) The following table summarizes the corporate capitalization and surplus of Crescent, and the consolidated capitalization and surplus of Crescent and its subsidiaries, per books as of July 31, 1945:

| | Corporate | | Consolidated | |
|--|-------------|----------|--------------|----------|
| | Amount | Per cent | Amount | Per cent |
| Subsidiary companies: | | | | |
| Long term debt..... | | | \$4,962,000 | 54.98 |
| Preferred stock (liquidation value)..... | | | 1,316,920 | 14.60 |
| Total subsidiary companies..... | | | 6,278,920 | 69.57 |
| Crescent long term debt..... | \$2,750,000 | 94.02 | 2,750,000 | 30.47 |
| Total senior securities..... | 2,750,000 | 94.02 | 9,028,920 | 100.04 |
| Common stock of Crescent: | | | | |
| Common stock..... | 60,000 | 2.05 | 60,000 | |
| Capital surplus..... | 9,143 | 3.31 | 9,143 | (.04) |
| Earned surplus..... | 106,845 | 3.62 | (73,346) | |
| Total common stock and surplus..... | 175,488 | 5.98 | (4,203) | (.04) |
| Total capitalization and surplus..... | 2,925,488 | 100.00 | 9,024,717 | 100.00 |

() Denotes red figure.

(6) The investment account of Crescent as of July 31, 1945, was as follows:

| | |
|---|-------------|
| Investments in subsidiaries consolidated: | |
| Note of Empire Southern..... | \$375,000 |
| Preferred stock of Central Ohio..... | 220,000 |
| Common stock: | |
| Central Ohio..... | \$1,066,362 |
| Colorado Central..... | 385,636 |
| Empire Southern..... | 691,923 |
| Total..... | 2,643,921 |
| | 2,638,921 |

(7) The following table summarizes the historical earnings of Crescent and subsidiaries on a consolidated basis for the years 1937 to 1944, inclusive:

| | Consolidated net income ¹ | Interest accrued on Crescent's bonds | Balance for common |
|--------------|--------------------------------------|--------------------------------------|--------------------|
| 1937..... | \$202,601 | \$124,237 | \$78,364 |
| 1938..... | 177,193 | 146,106 | 31,087 |
| 1939..... | 221,344 | 208,263 | 13,080 |
| 1940..... | 357,266 | 201,387 | 155,879 |
| 1941..... | 328,822 | 194,736 | 134,086 |
| 1942..... | 340,988 | 190,560 | 150,428 |
| 1943..... | 322,490 | 185,802 | 136,688 |
| 1944..... | 491,897 | 167,940 | 323,957 |
| Average..... | 301,575 | 177,379 | 127,946 |

¹ Before interest on Crescent's bonds.

III. It appearing to the Commission, on the basis of the allegations hereinbefore set forth, that the holding company system of Crescent is not confined in its operations to those of a single integrated public utility system, within the meaning of the act, or to those of a single integrated public utility system together with such additional integrated public utility systems as meet the requirements of section 11 (b) (1) and such other businesses as may be retained under the standards of section 11 (b) (1), and that proceedings should be instituted under section 11 (b) (1) with respect to Crescent's holding company system; and

It further appearing to the Commission, on the basis of the allegations hereinbefore set forth, that the corporate structure of Crescent's holding company system is unduly and unnecessarily complicated, that voting power is unfairly and inequitably distributed among the security holders thereof, and that proceedings should be instituted under section 11 (b) (2) with respect to Crescent's holding company system; and

It further appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to the amended plan filed by Crescent pursuant to section 11 (e) of the act and the proceedings instituted herein by the Commission under sections 11 (b) (1) and 11 (b) (2) of the act; and

It further appearing to the Commission that the said proceedings involve common questions of law and fact and should be consolidated and heard together;

It is hereby ordered, That a proceeding be and it hereby is instituted under sections 11 (b) (1) and 11 (b) (2) of the act directed to Crescent and its subsidiaries, that such proceeding be and it hereby is consolidated with the proceeding with respect to the amended plan filed herein pursuant to section 11 (e), and that a hearing in the consolidated proceedings under the applicable provisions of the act and the rules and regulations of the Commission thereunder be held on October 22, 1945, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day, the hearing room clerk will advise as to the room where such hearing will be held.

It is further ordered, That jurisdiction be and it hereby is reserved to separate,

either for hearing, in whole or in part, for disposition in whole or in part, any issues or questions which may arise in these proceedings, and to take such other action as may appear conducive to an orderly, prompt and economical disposition of the matters involved.

It is further ordered. That Crescent and its subsidiaries file with the Secretary of the Commission, on or before the 17th day of October, 1945, answers to the allegations contained in paragraphs numbered (1) through (7), both inclusive, of Section II herein, in the form prescribed by Rule U-25 of the rules and regulations under the act.

It is further ordered. That Allen McCullen, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a trial examiner under the Commission's rules of practice.

Notice is hereby given of said hearing to the above named applicants, Public Utilities Commission of Colorado, Public Utilities Commission of Ohio, Railroad Commission of Texas, and to all interested persons, said notice to be given to said applicants and to the Public Utilities Commission of Colorado, Public Utilities Commission of Ohio, and Railroad Commission of Texas by registered mail, and to all other persons by publication of this notice and order in the FEDERAL REGISTER. It is requested that any persons desiring to be heard in these proceedings shall file with the Secretary of this Commission on or before October 17, 1945, an appropriate request or application to be heard, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered. That Crescent shall give additional notice of said hearing to all known holders of its Income Bonds and its common stock by causing a copy of this notice and order of hearing to be mailed to such holders at their respective last-known addresses, such mailing to be made not less than ten days prior to the date of said hearing.

It is further ordered. That without limiting the scope of the issues presented in such consolidated proceedings, particular attention shall be directed at the hearing to the following matters and questions:

(1) Whether the plan as amended or as it may hereafter be modified is necessary to effectuate the provisions of section 11 (b) of the act and is fair and equitable to the persons affected thereby;

(2) Whether the proposed offer of common stock of Central Ohio and cash to the bondholders of Crescent is fair and equitable to the bondholders and stockholders of Crescent;

(3) Whether the proposed issues, sales and acquisitions by Central Ohio and Colorado Central of their respective securities meet the applicable standards of the act;

(4) Whether the proposed sales by Crescent to Central Ohio and Colorado Central, and the proposed acquisitions

by Crescent from Central Ohio and Colorado Central, of securities of Central Ohio and Colorado Central, respectively, meet the applicable standards of the act;

(5) Whether in connection with the proposed sales by Crescent of the securities of Colorado Central and Empire Southern the considerations to be received and the fees and expenses to be paid are reasonable, and whether competitive conditions have been maintained;

(6) Whether the accounting adjustments and entries proposed to be made in connection with the plan are proper and in accordance with sound accounting practice;

(7) Whether the proposed acquisitions of the common stock of Central Ohio by Helene Curley Rea, Robert W. Rea, Floyd W. Woodcock, Kathleen T. Woodcock and Robin Corporation will tend towards interlocking relations or the concentration of control of public utility companies, of a kind or to an extent detrimental to the public interest or the interest of investors or consumer; will be detrimental to the carrying out of the provisions of section 11; and whether the proposed acquisitions will serve the public interest by tending towards the economical and efficient development of an integrated utility system;

(8) Whether the plan, as filed or as modified, makes appropriate provision for the payment of expenses, fees and remuneration in connection with the reorganization, in what amounts such expenses, fees and remuneration should be paid, and the fair and equitable allocation thereof;

(9) Generally, whether the proposed transactions are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable requirements of the act and the rules thereunder, and, if not, what modifications should be required to be made therein and what terms and conditions should be imposed to satisfy the statutory standards;

(10) Whether the allegations contained in Section II hereof are true and correct;

(11) What action, if any, is necessary and shall be required to be taken by the respondents herein, or any of them, to limit the operations of the Crescent holding company system to a single integrated public utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operation of such integrated public utility system;

(12) Whether the corporate structure or continued existence of Crescent unduly or unnecessarily complicates the structure, or unfairly or inequitably distributes voting power among security holders, of the Crescent holding company system; and if so, what action shall be required with respect thereto pursuant to section 11 (b) (2) of the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-18899; Filed, Oct. 11, 1945; 2:47 p. m.]

[File No. 70-1118]

STANDARD GAS AND ELECTRIC CO.
ORDER DENYING EFFECTIVENESS TO
DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 4th day of October, A. D. 1945.

A declaration having been filed by Standard Gas and Electric Company, a registered holding company, under section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 of the general rules and regulations thereunder, with respect to a proposed sale by it of its entire interest in Empresa de Servicios de los Estados Mexicanos, S. A., its wholly-owned subsidiary;

Hearings having been held after appropriate notice, briefs having been filed and argument heard, and the Commission having this day issued its findings and opinion herein; on the basis of said findings and opinion:

It is ordered. That the declaration be and it hereby is denied effectiveness.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-18896; Filed, Oct. 11, 1945; 2:46 p. m.]

[File No. 70-1142]

PUBLIC SERVICE CORP. OF NEW JERSEY AND
PUBLIC SERVICE COORDINATED TRANSPORT

ORDER PERMITTING DECLARATION TO BECOME
EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of October 1945.

Public Service Coordinated Transport ("Transport"), a subsidiary of Public Service Corporation of New Jersey ("Public Service"), and Public Service, in turn a subsidiary of The United Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder, regarding the proposed sale by Public Service of \$500,000 principal amount of 4% Series, First and Refunding Mortgage Bonds, due 1990, of Transport to the Trustee under the mortgage for these bonds for a cash consideration of \$500,000 plus accrued interest to the date of delivery, the cash to be used by the Trustee for the purchase of the bonds having been deposited with the Trustee by Transport on April 1, 1945, pursuant to the terms of the indenture securing the bonds, as and for a fund for the retirement of Transport's outstanding bonds; Public Service, pursuant to the Plan of Reorganization of Transport dated November 2, 1939, having withheld tender of any bonds until the lapse of five months after the receipt of purchase fund money by the Trustee, and no tenders having been received from the public although the Trustee caused to be published notice requesting tenders; and

Said declaration having been filed on the 7th day of September, 1945, and notice of said filing having been duly given in the manner and form prescribed by

Rule U-23 under said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding that the requirements of sections 12 (c) and 12 (f) and Rules U-42 and U-43 are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said act and subject to the terms and conditions prescribed in Rule U-24, that the said declaration be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-18898; Filed, Oct. 11, 1945;
2:47 p. m.]

[File No. 70-1168]

NIAGARA HUDSON POWER CORP.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of October, 1945.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Niagara Hudson Power Corporation ("Niagara Hudson"), a subsidiary of The United Corporation, a registered holding company.

All interested persons are referred to said document which is on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Niagara Hudson proposes to reduce the par value of its Common Stock (25,436,450 shares authorized, 9,581,008% shares issued and outstanding) from \$10 per share to \$1 per share thereby creating capital surplus in the amount of \$86,229,076.50 to be available for any required or desirable adjustment of the carrying value of Niagara Hudson's investments in its subsidiaries or for any other proper adjustment to its accounts or for any other proper corporate purpose. Such reduction of capital is to be effected, among other things, for the purpose of enabling the company to resume the declaration and payment of dividends on its outstanding First Preferred Stock, 5% Series (\$100 par value per share). Niagara Hudson also proposes to convert 15,678 reacquired shares of its First Preferred Stock, 5% Series into 783,900 shares of Common Stock (\$1 par value per share).

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said declaration and that said declaration shall not be permitted to become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on said declaration under the applicable provisions of the act and rules of the Commission thereunder be held on October 24, 1945, at 10 a. m., e. s. t., in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. On such day the hearing room clerk in Room 318 will advise as to the room in which such hearing will be held. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by Rule XVII of the rules of practice on or before October 19, 1945.

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said act and to a trial examiner under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve, by registered mail, a copy of this order on Niagara Hudson and The United Corporation; and that notice of said hearing be given to all other persons by publication of this order in the FEDERAL REGISTER.

It is further ordered, That, without limiting the scope of the issues presented by said declaration, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the proposed reduction of the par value of the Common Stock of Niagara Hudson is detrimental to the public interest or the interests of investors and consumers;

(2) Whether Niagara Hudson's proposal to convert its reacquired shares of First Preferred Stock into common stock is detrimental to the public interest or the interests of investors and consumers;

(3) Generally, whether the proposed transactions comply with the applicable provisions of the Public Utility Holding Company Act and all the rules and regulations promulgated thereunder;

(4) What terms and conditions, if any, are necessary or appropriate in the public interest or the interests of investors and consumers to ensure compliance with the requirements of the Holding Company Act or any rules, regulations or orders promulgated thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 45-18897; Filed, Oct. 11, 1945;
2:47 p. m.]

WAR PRODUCTION BOARD.

MICA

NOTICE TO ALL MANUFACTURERS AND FABRICATORS

Mica of black stained, red stained, and other varieties required for civilian items is not available in sufficient quality to meet all needs. On September 5, 1945, the War Production Board announced a plan for releasing from government stocks low quantity mica, Grades 4 and Larger, in order to aid industry in meeting reconversion demands.

On October 24, 1945, the War Production Board will recommend the release of additional mica to fabricators and manufacturers for orders on hand for which they have no mica. The following table shows the quantities available and the averaged prices or the stocks of micas suitable for civilian needs:

| Grade | Quantity available | Approximate averaged price |
|---------------------|--------------------|----------------------------|
| | Pounds | |
| 4----- | 80,000 | \$1.50 |
| 3----- | 14,000 | 2.95 |
| 2----- | 5,000 | 4.25 |
| 1----- | 7,000 | 4.10 |
| A-1 or Special----- | 1,500 | 5.00 |

In order to distribute the available mica equitably, it will be necessary to furnish all the information previously submitted on Form WPB-1085. In addition, each fabricator or manufacturer should state the quantity of mica of the various grades requested that he has in inventory, on the day of his application, in all qualities lower than stained. If he has contracted to purchase mica of this type from other sources he should state the expected date of receipt and the quantity of the various qualities and grades he will receive. Form WPB-1085 should be used in presenting the information.

Based on the information supplied, and available stocks, the War Production Board will recommend the release of the mica on October 24, 1945 in such a manner that every fabricator has a fair share of the various types of mica in stock and available for civilian consumption. All Forms WPB-1085 should reach the War Production Board, Miscellaneous Minerals Division, Washington 25, D. C., by October 23, 1945. Any person requiring micas of qualities better than Black Stained, Red Stained, and other varieties which are priced above the averaged prices listed, should also make his request for the mica on Form WPB-1085.

Issued this 11th day of October 1945.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,
Recording Secretary.

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4:20 p. m.]